

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
March 9, 2005

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., March 9, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Darren Gerard, Planning and Development, delivered the invocation.

PLEDGE OF ALLEGIANCE

Joy Rich, Chief Regional Development Services Officer, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank, Maricopa County Animal Care & Control, introduced "Hunter" as the pet of the month and said he was a true hound dog with the distinctive bark and abundant energy they are known for. She advised he would be a very good pet for a family who enjoys the outdoors. The Animal Control received Hunter from a family who was moving into an apartment complex that doesn't allow pets. Ms. Bank asked those who are moving out of town or into an "animal restricted" apartment to please call Animal Care & Control to their pets picked up rather than just turning them loose and leaving them to survive on their own. She said that AC&C would then endeavor to move their pet into another loving family environment. "Hunter" will be available for adoption later today at the facility on 35th Avenue north of Camelback.

PRESENTATION – MARICOPA COUNTY COMBINED CHARITABLE CAMPAIGN

Don Colvin, Co-Chairman and Manager for the 2004 Combined Charitable Campaign said the campaign raised more than \$417,000 in 2004. He presented certificates to the employees who led last year's campaign and acknowledged them in their roles as Special Event Coordinators. He also thanked the many corporate sponsors who helped make the campaign a success. Supervisor Kunasek, the honorary chairman of the 2004 campaign, joined Mr. Colvin to present the certificates to the coordinators. (List on file in the Office of the Clerk of the Board.) (C3105004M00) (ADM3311-001)

PRESENTATION – TRES RIOS NATURE FESTIVAL

Jennifer Lawrence, Westside Superintendent for the Parks and Recreation Department, spoke on the second annual Tres Rios Nature Festival to be held on March 12-13 at Estrella Mountain Regional Park. She said that last year's premier festival had been a great success and they expected to exceed that this year. She introduced London Lacey, interpretive Ranger at Estrella Park, who reviewed details of the many attractions at upcoming event with a slide presentation. The festival will cost \$10 per vehicle. (C3005030M00) (ADM3200)

PRESENTATION – THE VISION FOR ARIZONA PROJECT

Item: Presentation by Dr. Lattie Coor, Center for the Future of Arizona. (ADM100-002)

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Dr. Coor said he'd come to ask the Board of Supervisors to join with more than 70 others in Arizona in endorsing the Vision for Arizona project. He said that he and a small group of other interested parties formed a committee that has been working on this project during the past 18 months. The committee took 150 reports and suggestions that had collected over the years and distilled them into a one-page statement that, "has sought to capture the expressions of hope for the future of Arizona." He said the origins of the project began with an organization formed 36 months ago, "Our Center for the Future of Arizona," from which evolved what he termed as a "do tank" committee. They will draw from and combine the best possible recommendations received from throughout the State and then act on them. The collection and then action is a two-prong effort to improve the quality of life in Arizona. He reported that their first project had been to combat the excessive high school drop-out rate in the State and this is working well.

He explained that their Vision Statement has five elements to it: Opportunities For All; Quality of Life; Engine of the Economy; Collective Leadership and Overall Investment of resources. They expect this combination will "make big things happen." Dr. Coor said they have borrowed a term for the bold initiatives, "Big Hairy Audacious Goals, B-HAGs" a term originally applied to companies that truly out-perform other companies on the road to success. He explained that one of the first B-HAGs is to make Arizona rank within the top 10 states in public education by the year 2020. He stressed that B-HAGs would not be achieved through any single person's actions but through many people and a series of actions that work towards that goal. He stressed the importance of "keeping the bigger picture ever in mind."

The committee has met with many organizations and local government entities state-wide to explain the concept and ask for endorsements and they have been delighted at the response. He said that a full-page announcement of their aims will be in every newspaper in the state on March 20th.

Dr. Coor explained that the toughest part will be to implement the vision. They plan to accomplish this in three ways, 1) focus on the "full grid" of issues that need to be addressed and keep them in the public eye: 2) promote use within organizations and in collaboration with others: and 3) stimulate three or four "bold initiatives" for the future and he termed the latter as possibly the most important and certainly the most evocative of their goals. He said by 2005 the escalating growth in Arizona would result in 6 million people residing in metropolitan Phoenix and 10 million in Arizona.

Dr. Coor added that about a year ago they'd heard about a very intriguing B-HAG – to "try to lower the nighttime temperature in greater downtown Phoenix." He said the intense nighttime heat "is meteorologically the only thing that has changed in the area in the last century. Daytime temperatures are about the same and humidity is about the same." He added, "Not only is the (heat) uncomfortable, it (this heat island) is affecting the periodic monsoon storms over the Valley." He informed the Board that studies have already found that rubberized pavement (the dark roads) generate less heat than cement because of the porous nature."

Dr. Coor closed his statement by asking Maricopa County to join with the many others in this mission for an even better Arizona than we now enjoy.

Chairman Wilson said he had been "neutral" on this idea until today but now endorsed it and encouraged his fellow members to do the same.

Supervisor Brock asked what other states are doing to reduce the drop-out rate in their high schools.

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Dr. Coor said their studies have discovered three significant points of intervention used throughout the nation: the first is that when children's readiness to learn in the very early years suffers, for whatever reason, the school completion ratio drops precipitously: 2nd is the very traumatic response the middle-school transition generates as a cultural change for students. He added that the dropout rate is not as high in the 9th grade as it becomes when a troubled student reaches the 10th grade. Third is the early detection of students who will eventually leave and efforts to do something about their problems before they reach that stage.

He said the whole system needs to be "buttressed" and this is already beginning to happen in Arizona. He stated that one of the most important things is to identify "a caring adult" in the student's life that they can truly rely on. He added that students also need broader "genuine options" and that more options for high school students than just "college prep" must be provided. He said, "more tangible, work-force oriented, special-interest endeavors" such as training in the arts and vocational trade subjects must be available because not everyone should, or wants, to go to college. He added that the nation needs to eliminate the "single-think, warehouse mentality" that is so prevalent when it comes to educating children.

Supervisor Stapley agreed, saying that he would echo everything Dr. Coor had said. He added that he has participated in many workshops and visioning exercises and believes Vision for Arizona is very clear and very well planned. He supports the idea completely and said he would be pleased to move acceptance of joining in this endeavor.

Supervisor Wilcox commented on the connection of this idea with the County's Head Start program which was very highly rated in last week's national review, and said she also endorsed the Vision.

Supervisor Kunasek referenced the high nighttime temperature in Phoenix and assumed that most would scoff at the idea that midnight temperatures in midtown could be lowered. He said he had grown up here and was well aware of the increasingly high night temperatures in the downtown area over the years. These can be vary by as much as 10-15 degrees over those in adjacent out-lying areas surrounding downtown Phoenix. He said he would consult with the County's planning staff and ask them to work with and assist in finding ways to help with this project. He felt that those working to revitalize the downtown would eventually have to address this issue.

Motion was made by Supervisor Stapley to approve and fully endorse the resolution to support the Vision for Arizona Project, saying that he felt it would produce a future Maricopa County that will be one of the best places in the nation to live a rewarding and productive life. Motion was seconded by Supervisor Brock and unanimously carried (5-0).

**RESOLUTION OF MARICOPA COUNTY BOARD OF SUPERVISORS
THE VISION FOR MARICOPA COUNTY TO BE ONE OF THE BEST PLACES IN THE NATION
TO LIVE A REWARDING AND PRODUCTIVE LIFE**

WHEREAS, the Board of Supervisors is committed to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities; and

WHEREAS, the Board of Supervisors is committed to a healthy community and solvent healthcare system; and

WHEREAS, the Board of Supervisors is committed to regional leadership for a regional transportation system.

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, Maricopa County (BOARD) that the Board encourages Arizonians to commit to the following goals:

OPPORTUNITIES FOR ALL

Provide substantial and sustained support for talent of all ages and backgrounds through a top quality educational system. Enhance opportunities for Arizonans who work but remain poor by providing greater access to quality affordable housing, health care, childcare, education and improved employment opportunities.

QUALITY OF LIFE

Preserve and enhance all aspects of Arizona's physical and cultural environment by maintaining significant open space, improving air quality, enhancing arts and culture and establishing recreational spaces throughout the state and especially within the built environment. Provide adequate infrastructure to support our growing population, including government, education, accessible health care, communications, transportation and sustainable water and energy. Improve our quality of life as the state grows.

KNOWLEDGE-BASED ECONOMY

Vigorously pursue a competitive knowledge-based economy that is among the strongest and most successful in the nation. Become a sustainable, internationally competitive "innovation" economy, supported by a world-class education system and an entrepreneurial environment that advances research, develops knowledge and generates significant venture capital investment.

LEADERSHIP

Develop citizen engagement and leadership appropriate to our contemporary society that forges effective collaboration between the public and private sectors and develops and implements long-term and short-term strategies for action. Our efforts also should include performance indicators to regularly measure progress.

INVESTMENT

Establish a tradition of investment, by public and private sources, in the people and resources required to accomplish and sustain the goals contained in this Vision.

PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this 9th day of March 2005.

/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of liquor license applications a) b) c) and f):

- a. Application filed by Donald Alan Rogers for a Special Event Liquor License: (F23164) (SELL668)

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Business Name: Knights of Columbus #1673
Location: 14818 W. Deer Valley Drive, Sun City West, AZ 85375
Date/Time: April 8, 2005, 11:00 am – 2:00 pm

- b. Application filed by Samuel Turrentine Crump, Sr. for a Special Event Liquor License: (F23164) (SELL670)

Business Name: Rotary Club of Anthem
Location: 41703 N. Gavilan Peak Parkway, Anthem, AZ 85086
Date/Time: March 19 and March 20, 2005, 10:00 am – 8:00 pm

- c. Application filed by Rafael Plascencia Casillas for an Original Series 12 Liquor License: (LL6140)

Business Name: Asi Es My Tierra
Location: 9333 E. Apache Trail #5, Mesa, AZ 85207

- f. Application filed by Russell Gene Scaramolla for an Original Series 10 Liquor License: (LL6143)

Business Name: Texaco Star Mart
Location: 6904 N. Dysart Road, Glendale, AZ 85307

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting “aye” and Supervisor Brock voting “nay.”

Chairman Wilson called for a public hearing on liquor license applications d) and e). No protests having been received and no speakers coming forth at the Chairman’s call, the Board considered a recommendation from the Sheriff’s Office asking that the following two applications be continued to April 6, 2005, to allow more time for review. Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (5-0) to continue the following applications, for Fantasy Island and Last Chance, as listed below, to the April 6, 2005, meeting.

- d. Application filed by Gene Carlton Howard for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from Gus Theodoropoulos/JP’s Sandwich Shops: (LL6141)

Business Name: Fantasy Island
Location: 963 E. Curry Road, Tempe, AZ 85281
Former Location: JP’s Sandwich Shops, 741 E. Glendale, Phoenix, AZ 85020

Does not meet Planning and Development requirements.
Does not meet Treasurer requirements.

The Sheriff’s office recommends this item be continued to April 6, 2005

- e. Application filed by Annabelle Cooper for a Person-to-Person Transfer of a Series 6 Liquor License from Rosella L. Schuman: (LL6142)

Business Name: Last Chance

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Location: 26427 S. Arizona Avenue, Chandler, AZ 85248
The Sheriff's office recommends this item be continued to April 6, 2005.

ROAD FILE NO. A145 – WITHDRAWN

In the vicinity of Orangewood Avenue – from 83rd Avenue to 175th Avenue.

Chairman Wilson declared this item withdrawn at the recommendation of staff.

ROAD DECLARED (ROAD FILE NO. A324)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64052055)

WHEREAS, pursuant to A.R.S. §28-6701, on the 2nd day of February, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Cotton Lane from Orangewood Road to Northern Avenue; Northern Avenue from Citrus Road to Cotton Lane; Citrus Road from Northern Avenue to Olive Avenue; Olive Avenue from Perryville Road to Citrus Road; Peoria Avenue from 183rd Avenue to Citrus Road, into the County Transportation System, description as follows:

Five (5) roadways with a width of 33 feet, together with all appurtenances and easements of record, lying within Sections One (1) and Two (2), Township 2 North, Range 2 West and Sections Twenty-two (22), Twenty-six (26), Thirty-four (34) and Thirty-five (35), Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Roadway within Section 1

The west 33.00 feet of the northwest quarter of Section 1, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as depicted on a plat for Unit Number 44, Romola of Arizona Grape Fruit Unit, recorded in Book 19 of Maps, Page 17 and Book 24 of Maps, Page 36, Maricopa County Records.

Roadway within Section 2

The east 33.00 feet of the northeast quarter of Section 2, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as depicted on a plat for Unit Number 43, Romola of Arizona Grape Fruit Unit, recorded in Book 17 of Maps, Page 27 and Book 18 of Maps, Page 41, Maricopa County Records.

Roadway within Section 22

The south 33.00 feet of the southeast quarter of Section 22, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as depicted on a plat for Unit Number 27, Romola of Arizona Grape Fruit Unit, recorded in Book 22 of Maps, Page 13 and Book 24 of Maps, Page 23, Maricopa County Records.

Roadway within Section 26

The west 33.00 feet of the southwest quarter and the west 33.00 feet of the northwest quarter of Section 26, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as depicted on a plat for Unit Number 33, Romola of Arizona Grape Fruit Unit, recorded in Book 22 of Maps, Page 15 and Book 24 of Maps, Page 20, Maricopa County Records. Roadway within Section 34

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The north 33.00 feet of the northwest quarter, the north 33.00 feet of the northeast quarter, the east 33.00 feet of the northeast quarter and the east 33.00 feet of the southeast quarter of Section 34, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as depicted on a plat for Unit Number 37, Romola of Arizona Grape Fruit Unit, recorded in Book 17 of Maps, Page 27, Book 18 of Maps, Page 13, and Book 53 of Maps, Page 17, Maricopa County Records. Roadway within Section 35

The south 33.00 feet of the southwest quarter and the south 33.00 feet of the southeast quarter of Section 35, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as depicted on a plat for Unit Number 38, Romola of Arizona Grape Fruit Unit, recorded in Book 17 of Maps, Page 27 and Book 18 of Maps, Page 38, Maricopa County Records.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 9th day of March 2005.

ROAD DECLARED (ROAD FILE NO. A331)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C6405210500)

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WHEREAS, pursuant to A.R.S. §28-6701, on the 16th day of February, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit: (C64052105)

Cotton Lane from Lower Buckeye Road to the South line of Section 2, T1S, R2W, into the County Transportation System, description as follows:

A roadway of a width of 200 feet, together with all appurtenances and easements of record, said roadway is lying within Sections Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Thirty-five (35) and Thirty-six (36) all in Township One (1) North, Range Two (2) West; and also within Section Two (2) in Township One (1) South, Range Two (2) West, Gila and Salt River Base and Meridian, Maricopa County, Arizona, the Centerline of said parcel described as follows:

Beginning at a Maricopa County Highway Department Brass Cap in handhole marking the Northwest Corner of Section 24, Township 1 North, Range 2 West;

Thence South 00° 11' 01" West along the West line of Section 24 a distance of 2644.46 feet to the West Quarter Corner of Section 24, said Corner marked by a Maricopa County Highway Department Brass Cap in handhole;

Thence continuing along the West line of Section 24, South 00° 11' 17" West a distance of 2644.47 feet to a 2 inch Aluminum Cap marking the Southwest Corner of Section 24;

Thence South 00° 23' 52" West along the West line of Section 25 a distance of 779.61 feet to an angle point in said Centerline;

Thence departing from the West line of Section 25 and continuing along said Centerline on a bearing of South 01° 33' 07" West a distance of 2800.64 feet to a Point of Curvature; the curve center bearing South 88° 26' 53" East a distance of 5000.00 feet;

Thence along the arc of said Centerline curve (radius =5000.00 feet) a distance of 2199.24 feet, with a central angle of 25o12' 05", to a Point of Tangency;

Thence South 23o 38' 59" East along said Centerline a distance of 3441.73 feet to a Point of Curvature; the curve center bearing South 66o 21' 01" West a distance of 3650.00 feet;

Thence along the arc of said Centerline curve (radius =3650.00 feet) a distance of 2352.14 feet, with a central angle of 36o55' 21", to a Point of Tangency;

Thence South 13o16' 23' West along said Centerline a distance of 4904.67 feet to the end of this description.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 9th day of March 2005.

ROAD DECLARED – REVISION OF RESOLUTION – ROAD FILE NUMBER A263-R

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the petition for a legal description amendment of Road File A263-R, which is in the vicinity of 33rd Avenue from Irvine Road to Desert Hills Drive. This road was declared into the county highway system on November 3, 2004. (C6405115501)

**MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
Public Works Lands & Right-of-Way Division
ROAD DECLARED – REVISION OF RESOLUTION
ROAD FILE NUMBER A263-R**

WHEREAS, on the 20th day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to Establish, open and declare a County Highway; and

WHEREAS, on the 3rd day of November, 2004, the Board adopted a Resolution designating Road File Number A263, declaring said road into the County Highway system; and

WHEREAS, that said petition and Resolution is being revised to amend the legal description approved on the 3rd day of November, 2004;

NOW, THEREFORE, BE IT RESOLVED, that the legal description be amended to read as follows:

A 60 foot roadway, together with all appurtenances and easements of record, lying within Section Twenty-six (26), in Township Six (6) North, Range Two (2) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 30 feet on each side of the following described centerline:

BEGINNING, at the Southwest corner of the East half of the Northwest quarter (E½NW¼) of said Section 26; THENCE, North along the West line of said E½NW¼ of said Section 26, N00°14'14"E, a distance of 2440.00 feet, to the beginning of a tangent curve to the right, having a radius of 150.00 feet; thence along said curve an arc length of 175.08 feet through a central angle of 66°52'31"; thence North 67° 06' 45" East a distance

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of 283.62 feet, to the terminus at a point on the South line of the North 65 feet line of said Section 26.

Said alignment is also known as 33rd Avenue, from Irvine Road to Desert Hills Drive.

DATED this 9th day of March 2005.

PUBLIC HEARING REGARDING AIR POLLUTION CONTROL REGULATIONS RULE 325

As required by A.R.S. §49-479(b), Chairman Wilson called for a public hearing to solicit comments on the proposed new rule, Maricopa County Air Pollution Control Regulation Rule 325, on Brick and Structural Clay Products (BSCP) Manufacturing. (C8505006000) (ADM2354)

Jo Crumbaker, Environmental Services Air Quality Department, came forward to explain the environmental need for Rule 325, which addresses industrial sources of contamination. Rule 325 is designed to eliminate current violations and to bring Arizona's air quality up to the federally required level of compliance under The Clean Air Act. She said the companies outsourcing contaminants would probably have to install control technology to curb the problem. In response to a question from the Board, Ms. Crumbaker said that companies would have to be in compliance by December 31, 2006.

Supervisor Wilcox referenced The Phoenix Brick Yard, a company in her district that she has been working with on the need to install new "scrubbers" in order to come into compliance. She and company executives have been meeting with the EPA for more than a year on possible ways to solve the problem. She said it is "a very tough" issue but she felt that the Board "really has no choice but to approve the new rule." She said that this company, several sand and gravel companies and others in that region will have to work seriously to help lower the pollution caused by their emissions.

Don Campbell, President of the Phoenix Brick Yard, spoke in opposition to Rule 325. His company operates the only company that manufactures specific products to be affected by these new regulations. The Phoenix Brick Yard has manufactured in this location since 1935 and currently employs 92 people. He said they have already cut production to comply with EPA regulations giving capacity limits and the new regulations required in Rule 325 for compliance would very severely limit production and his ability to expand the business. Mr. Campbell stated that the estimated cost of installing new prescribed equipment is \$2 million plus yearly operating increases of several hundred thousand dollars. He stated that this added expense imposed on him by the approval of Rule 325 would force him to close his business.

Supervisor Stapley asked Mr. Campbell for any other causes of the "continual bad air" in that portion of the Valley. Mr. Campbell replied that Mother Nature's dust storms are a big contributor. He added that he did not want to name any other businesses. He said his company is complying in the best way they can to keep in operation.

Mr. Stapley explained that there was really no alternative to passing this rule and urged Mr. Campbell to continue to work with the County in seeking a way to improve their processes in order to comply. Discussion ensued on this matter.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve Maricopa County Air Pollution Control Regulation Rule 325, Brick and Structural Clay Products (BSCP) Manufacturing, as follows.

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 325
BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING**

SECTION 100 – GENERAL

- 101 PURPOSE:** To limit particulate matter emissions from the use of tunnel kilns for curing in the brick and structural clay product (BSCP) manufacturing processes.
- 102 APPLICABILITY:** This rule applies to any existing, new or reconstructed tunnel kiln, used in the commercial and industrial brick and structural clay product manufacturing processes. Compliance with the provisions of this rule shall not relieve any person subject to the requirements of this rule from complying with any other federally enforceable New Sources Performance Standards (NSPS). In such cases, the most stringent standard shall apply.
- 103 EXEMPTIONS:** Existing, new or reconstructed tunnel kilns that are used exclusively for research and development and are not used to manufacture products for commercial sale are not subject to this rule.

SECTION 200 – DEFINITIONS: See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 BRICK AND STRUCTURAL CLAY PRODUCTS (BSCP) MANUFACTURING FACILITY-** A site that manufactures brick including, but not limited to: face brick, structural brick and brick pavers; claypipe; roof tile; extruded floor and wall tile; and/or other extruded, dimensional, clay products. Brick products manufacturing facilities typically process raw clay and shale, form the processed materials into bricks or shapes, and dry and fire the bricks or shapes.
- 202 CONTINUOUS KILN –** A heated chamber that heats dense loads uniformly and efficiently, and can be used without interruption for high volume production. Continuous kilns are kilns that perform well in the consistent high production of wares. Continuous kilns include tunnel kilns, shuttle kilns, fixed-hearth kilns, bee hive kilns, roller kilns, sled kilns, decorating kilns, and pusher slab kilns. Most continuous kilns are tunnel kilns.
- 203 EXISTING KILN -** A kiln that is in operation before the date of adoption of this rule.
- 204 KILN FEED –** All materials except fuel entering the tunnel kiln, including raw feed and recycle dust, measured on a dry basis.
- 205 PERIODIC KILN –** A kiln that operates on an intermittent basis to heat wares, holding them at a uniform peak temperature and cool the wares. Periodic kilns are best for inconsistent or low-volume production.
- 206 RESEARCH AND DEVELOPMENT TUNNEL KILN-** Any tunnel kiln whose purpose is to conduct research and development for new processes and products and is not engaged in the manufacture of commercial products for sale.

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- 207 TUNNEL KILN** – Any continuous kiln that is used to fire brick and structural clay products. Tunnel kilns may have two process streams, including a process stream that exhausts directly to the atmosphere or to an Air Pollution Control Device, and a process stream in which the kiln exhaust is ducted to a brick dryer where it is used to dry bricks before the exhaust is emitted to the atmosphere.

SECTION 300 – STANDARDS

- 301 OPACITY LIMITATIONS FOR ALL TUNNEL KILNS SUBJECT TO THIS RULE:** No person shall discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20 % opacity.
- 302 LIMITATIONS FOR EXISTING TUNNEL KILNS AT BRICK OR STRUCTURAL PRODUCT (BSCP) MANUFACTURING FACILITIES:**
- 302.1** No owner or operator shall emit more than 0.42 lbs. of particulate matter per ton of fired product from a tunnel kiln with a capacity of ≥ 1 tons per hour throughput.
- 303 LIMITATIONS FOR NEW OR RECONSTRUCTED TUNNEL KILNS AT BRICK OR STRUCTURAL PRODUCT (BSCP) MANUFACTURING FACILITIES:**
- 303.1** No owner or operator shall emit more than 0.42 lbs. of particulate matter per ton of fired product from a tunnel kiln with a capacity of < 10 tons per hour throughput.
- 303.2** No owner or operator shall emit more than 0.12 lbs. of particulate matter per ton of fired product from a tunnel kiln with a capacity of ≥ 10 tons per hour throughput.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 COMPLIANCE SCHEDULE:** Any owner or operator of a tunnel kiln subject to this rule shall be in full compliance by December 31, 2006.

SECTION 500 - MONITORING AND RECORDS

- 501 COMPLIANCE DETERMINATION:** Compliance shall be demonstrated through measurement of particulate matter concentration by performance of the test methods listed in Section 503 no later than (6 months after the adoption of this rule).
- 502 RECORDKEEPING / RECORDS RETENTION:** The owner or operator of any kiln subject to this rule shall comply with the following requirements and keep records for a period of 5 years:
- 502.1** Daily records of kiln feed fired and hours of operation; and
- 502.2** Monthly records of material delivered to the site for processing in the tunnel kiln and the amount of product produced reported in tons.
- 503 TEST METHODS:** The Environmental Protection Agency (EPA) test methods as they exist in the Code of Federal Regulations (CFR) (July 1, 2003), as listed below, are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of test methods referenced in this section of this rule are available at the Maricopa County Environmental Services Department, 1001 North Central Avenue, Suite 201, Phoenix, Arizona, 85004 -1942.

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503.1 EPA Reference Method 9 ("Visual Determination of the Opacity of Emissions from Stationary Sources"), (40 CFR 60, Appendix A).

503.2 EPA Reference Method 5("Determination of Particulate Emissions from Stationary Sources"), (40 CFR 60, Appendix A) and possibly, if requested by the Control Officer, EPA Reference Method 202 ("Determination of Condensable Particulate Emissions from Stationary Sources"), (40 CFR 51, Appendix A).

[Clerk's Note: This is not a part of the official minutes. See August 10, 2005 minutes on this item for further action. This item was re-heard to meet posting requirements.]

PUBLIC HEARING – DEANNEXATION/ANNEXATION BETWEEN CHANDLER AND GILBERT

Pursuant to A.R.S §9-471.02, Chairman Wilson called for a public hearing regarding ordinances filed by the City of Chandler and the Town of Gilbert deannexing and annexing certain territory within their present corporate limits. The City of Chandler (Ordinance #3544) will deannex and the Town of Gilbert (Ordinance #1542) will annex approximately two acres of the future Lindsay Road right-of-way between Queen Creek Road and Ocotillo Road. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve this deannexation/annexation. (ADM4206)

BUDGET ADJUSTMENT TO HIRE EDUCATIONAL SERVICES PROGRAM DIRECTOR

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an increase in the amount of \$74,974 to Superintendent of Schools (370) General Fund (100) FY 2005-06 expenditure target. Approval of this action will allow for the addition of an Educational Services Program Director to provide the oversight required by A.R.S. §15-301(c) and the implementation of Educational Service Agency and No Child Left Behind. (C3705002800) (ADM3800-003)

APPORTIONMENT OF NATIONAL FOREST FEES

Pursuant to A.R.S. §11-497, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the apportionment of National Forest Fees for FY 2004-05. The Superintendent of Schools Fund (100) to receive 84%, Small Schools Fund (715) to receive 15%, and the County Department of Transportation Fund (232) to receive 1%. Based on this breakdown, the County Department of Transportation receives \$1,220, the Superintendent of Schools receives \$18,115 for the small schools educational program and \$102,653 for reimbursement to the General Fund. (C3705003800) (ADM1809)

ADDITION TO THE FLEET

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the addition to the Maricopa County fleet of one full-size pickup truck. The vehicle will be used by the Trial Courts Facilities Maintenance Division to transport tools, materials, furniture, etc., between the Downtown Phoenix Court Complex, the Regional Court complexes (Northwest, Southeast, Northeast), the Durango Juvenile Court Complex, the 23 Limited Jurisdiction Courts, and the 10 Adult Probation Department buildings located throughout Maricopa County. The cost of the vehicle will not exceed \$25,000 and is currently budgeted in the Trial Courts General Fund budget. The yearly operating costs are budgeted in the Trial Courts General Fund operating budget. (C3805026800) (ADM3104)

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APPOINTMENTS OF COURT COMMISSIONERS AS SUPERIOR COURT JUDGE PRO TEMPORE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the appointment of Court Commissioners Eartha Washington and Lisa Vandenberg as Superior Court Judge Pro Tempore for the period from March 9, 2005 through December 31, 2005 to serve in the Indigent Defense Reimbursement Program in the Superior Court. These appointees will screen indigent defendants for the court to ensure that legal representation is provided at public expense only to those who are truly unable to pay. (C3805027700) (ADM1001)

ADDITION TO THE FLEET AND PURCHASE OF COMPACT VEHICLES

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of two compact vehicles, at an estimated cost not-to-exceed \$27,000. The vehicles will be purchased from the department's FY 2004-05 General Fund (100) budget. In addition, the Office of the Legal Advocate requests that the vehicles be added to the Maricopa County Fleet. Expenditures required to operate the vehicles will also come from the same funding. (C5505002M00) (ADM3104)

FUNDING FROM PUBLIC DEFENDER TRAINING FUND

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Office of the Legal Advocate (OLA) to continue to receive funding from the Public Defender Training Fund for FY 2004-05. The grant-like funding is administered by the Arizona Supreme Court and was originally authorized in FY 2001-02. FY 2004-05 constitutes Year 4 for the receipt of these funds. Estimated revenue for FY 2004-05 is budgeted at \$11,310. The Department of Finance has calculated OLA's composite indirect cost rate at 30.7% for FY 2004-05. The non-recoverable indirect costs are estimated to be \$3,472. Receipt of funds does not necessitate a budget adjustment (C33020103). (C5505003300)

AFFILIATION AGREEMENT WITH APOLLO COLLEGE FOR DENTAL ASSISTANT STUDENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Affiliation Agreement between Correctional Health Services and Apollo College. Approval would provide Dental Assistant students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The agreement would be from date of Board approval for three years, with two renewable one-year options. There is no financial impact. (C2605008000)

IGA WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) (YH05-0024-01) between the Arizona Health Care Cost Containment System Administration (AHCCCS) and Maricopa County on behalf of Correctional Health Services. The term of the IGA is one year, and either party may renew the IGA for up to four additional one-year terms. The effective date of the IGA is June 1, 2004. Upon approval, Maricopa County will receive an estimated net benefit of \$470,000 in acute hospital costs for certain eligible inmates, who were treated in an hospital in a "non-locked down" ward since June 1, 2004. These inmates must have been eligible for AHCCCS assistance. Going forward, the IGA will provide Maricopa County with an estimated net annual benefit of \$600,000, based upon current utilization rates for AHCCCS-eligible inmates. (C2605009200)

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**CORRECTION TO PRIOR ACTION REGARDING SETTLEMENT WITH VHS ACQUISITION
SUBSIDIARY NUMBER 1, INC., d.b.a. PARADISE VALLEY HOSPITAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of the claims that are in litigation with VHS Acquisition Subsidiary Number 1, Inc., d.b.a. Paradise Valley Hospital (CV2004-001586 CV2002-002745 CV2001-013936 CV2000-004548 CV1999-019271 CV1999-014550 CV1999-005990 CV1998-020951 CV1998-014148 CV1998-008388 LC2003-000173-001-DT, which includes all claim pursuant to A.R.S. §11-297.01 or A.R.S. §11-297.03), consistent with the terms of the respective Settlement Agreement, which was reviewed in Executive Session on February 22, 2005. Rescind agenda item (C3905031100), and replace it with agenda item (C3905031101). (C3905031101) (ADM409)

PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

REIMBURSE AIR QUALITY DEPARTMENT FOR UNUSED SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of funds, with corrected amounts given by the Clerk, per A.R.S. §42-17106, in the amount of ~~\$978,000~~ \$1,130,939 from Appropriated Fund Balance (480) General Fund (100) Contingency (4811) to General Government (470) Intergovernmental Projects Fund (422) and increase expenditure authority in General Government (470) Intergovernmental Projects Fund (422) by ~~\$978,000~~ \$1,130,939. Approve the transfer of funds in the amount of ~~\$978,000~~ \$1,130,939 from General Government (470) Intergovernmental Projects Fund (422) to Air Quality Department (850) Air Quality Fund (504). All the above transactions will be offset with corresponding adjustments to the Eliminations (980) Eliminations Fund (900) for a countywide net impact of zero. Approval of this action will allow the Intergovernmental Projects Fund (422) to reimburse the Air Quality Fund (504) for space in the new Public Health/Environmental Services facility that will not be used by the Air Quality Department.

When the new Public Health/Environmental Services building at 1645 E. Roosevelt was being planned, the Environmental Services Division of Air Quality (now the Air Quality Department) was programmed to be included in the facility. Recently, the department decided not to move into this new facility and remain in their current leased facility. Therefore, the Air Quality Fund (504) must be reimbursed for the cost of the space that they will not be using. (C4905028800) (ADM2375-003)

FUND TRANSFER FOR WEST NILE VIRUS

Per A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer and expenditure of \$100,000 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to the line item in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) entitled "West Nile Virus". Approval of this item will provide for increased public education and information efforts in regard to West Nile Virus. (C4905029800) (ADM2350-003)

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LEASE AMENDMENT WITH ALSACE, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute amendment to Lease No. L-7291 with ALSACE, LLC., for 8,709 square feet of office space at 926 E. McDowell Road, Phoenix, AZ 85006. The new lease term will be extended for three years commencing on or about May 1, 2005 and terminating on or about April 30, 2008. The square feet of area is amended to 8,709 comprising suites 119, 208, and 209. The rental rate is:

Fiscal Year	Cost per Square Foot	Monthly Amount	Annual Amount
2005-06	\$18.00	\$13,063.50	\$156,762.00
2006-07	\$19.00	\$13,789.25	\$165,470.00
2007-08	\$20.00	\$14,515.00	\$174,180.00

The monthly rate will include a 2.4% rental tax. The above paragraphs contain all the changes made by this amendment. All other terms and conditions of the original agreement and as modified by subsequent lease amendments remain the same and in full force and effect. (C8600032402)

AMENDMENT WITH BODY POSITIVE, INC., FOR NUTRITION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment #1 to Contract C8604816 with Body Positive, Inc., for the provision of nutrition services. The amendment increases the contract value by \$20,000, and replaces the budget narrative and fee schedule, effective upon Board of Supervisors' approval. Total funding for the period ending February 28, 2005 will increase from \$290,000 to \$310,000. (C8604816101)

AMENDMENT WITH ROOSEVELT SCHOOL DISTRICT FOR TOBACCO USE PREVENTION & EDUCATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment #1 to Contract C8605435202, an Intergovernmental Agreement with the Roosevelt School District. The amendment will increase the amount of the contract by \$1,500 making the total not-to-exceed \$15,500. The amendment will also change Attachment B, Work Statement, for this added school only. The effective date of the amendment is retroactive from January 7, 2005. (C8605435203)

AMENDMENT WITH PENDERGAST SCHOOL DISTRICT FOR TOBACCO USE PREVENTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment #1 to Contract C8605450202, an Intergovernmental Agreement with the Pendergast School District to provide school-based tobacco use prevention and education services. The amendment will increase the amount of the contract by \$2,000, making the total not-to-exceed \$24,000. The effective date of the amendment is retroactive from December 17, 2004. (C8605450203)

IGA AMENDMENT WITH CARTWRIGHT SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment #1 to Contract #C86054542, an Intergovernmental Agreement with the Cartwright School District. The amendment will increase the amount of the contract by \$13,500, from \$8,000 to not-to-exceed \$21,500. The amendment will also change Attachment B, Work Statement and Attachment C, Fee Schedule, for the added schools only. The effective date of the amendment is retroactive from January 14, 2005. All other terms and conditions remain unchanged. (C8605454201)

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IGA AMENDMENT WITH AVONDALE ELEMENTARY SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment #1 to Contract # C86054552, an Intergovernmental Agreement with the Avondale Elementary School District. The amendment will increase the amount of the contract by \$2,000 making the total not-to-exceed \$8,000. The effective date of the amendment is retroactive from January 14, 2005. (C8605455201)

APPOINT MEMBERS TO PHOENIX EMA RYAN WHITE TITLE I PLANNING COUNCIL

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to appoint five new members and three replacement members, whose terms are from Board of Supervisors' approval to February 28, 2007, to the Phoenix Eligible Metropolitan Area (EMA) Ryan White Title I Planning Council, as follows: (ADM2153-001)

<u>Name</u>	<u>Representation Category</u>
Dr. Charleton Wilson (replacing Erica Avery)	Service Provider
Sandi Wilson (replacing Jonathan Weisbuch)	Local Public Health Agency Rep.
Barry Stephens	General Public
Kent Barchi	General Public
Claire Sinay (replacing Mike Madsen)	Institutional Member
Tonya Hudson	General Public
Sharyn Grayson	General Public
Tim Haney	General Public

Re-appoint eight current members, whose terms are from Board of Supervisors' approval to February 28, 2007, to the Phoenix EMA Ryan White Title I Planning Council, as follows:

<u>Name</u>	<u>Representation Category</u>
Barr Jenkins	General Public
Damon Gunn	General Public
Helen Lansche	Service Provider
Jim Reed	Institutional Member
John Murray	Institutional Member
Mark Kezios	Institutional Member
Michelle Barker	Service Provider
Tara Radke	Service Provider (C8605620900)

TRANSFER FUNDS TO HIRE CONTRACT VITAL REGISTRARS

In accordance with A.R.S. §42-17106 (B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of \$41,210 (annualized to \$80,184, which is subject to further review during the budget process based on need and available funds) in expenditure authority from the General Government (Department 470), General Government Grant Fund (249-4711) – Line Item Potential Fee Increases to the Department of Public Health (Department 860), Public Health Fee Fund (Fund 265) to hire two contract Vital Registrars to meet the increased demand for Vital Registration services. This action will require FY 2004-05 appropriation adjustments, reducing the General Government, General Government Grant Fund expenditure appropriation by

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\$41,210 (Department 470 Fund 249) and increasing the Department of Public Health's expenditure appropriation by \$41,210 (Department 860 Fund 265). (C8605623800) (ADM2350-003)

CONTRACT WITH PHOENIX SHANTI GROUP, INC., FOR HIV CASE MANAGEMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Phoenix Shanti Group, Inc., for the provision of HIV case management services. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$80,000. Phoenix Shanti Group, Inc., was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on March 6, 2003. (C8605800100)

CONTRACT WITH CATHOLIC SOCIAL SERVICES OF PHOENIX FOR HIV BEHAVIORAL HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Catholic Social Services of Phoenix for the provision of HIV behavioral health services. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$13,000. Catholic Social Services was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on January 17, 2002. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026181). The contract was subsequently renewed by the Board on March 5, 2003 (C86037011) and March 3, 2004 (C86048011). (C8605801100)

CONTRACT WITH BODY POSITIVE, INC., FOR HIV PARAPROFESSIONAL BEHAVIORAL HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Body Positive, Inc., for the provision of HIV paraprofessional behavioral health services to individuals and families affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$85,000. Body Positive was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on October 2, 2003. (C8605802100)

CONTRACT WITH CHICANOS POR LA CAUSA, INC., MULTILINGUAL HIV BEHAVIORAL HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Chicanos Por La Causa, Inc., for the provision of multilingual Minority Aids Initiative (MAI) HIV behavioral health services. The term of the contract is retroactive to March 1, 2005 and continues through February 28, 2006 for a contract amount of \$70,000. Chicanos Por La Causa was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on March 22, 2001. The original contract was approved by the Board of Supervisors on July 25, 2001 (C86015371). The contract was subsequently renewed by the Board on February 20, 2002 (C86026171), March 5, 2003 (C86037031) and March 8, 2004 (C86048031). (C8605803100)

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CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INC., FOR HIV CASE MANAGEMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Area Agency on Aging, Region One, Inc., for the provision of HIV case management services. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$978,000. The Area Agency on Aging was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026111) and subsequently renewed by the Board on March 5, 2003 (C86037061) and March 3, 2004 (C86048061). (C8605806100)

CONTRACT WITH PHOENIX SHANTI GROUP, INC., FOR HIV CASE MANAGEMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Phoenix Shanti Group, Inc., for the provision of HIV case management services. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$60,000. Phoenix Shanti Group, Inc., was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026041) and subsequently renewed by the Board on March 5, 2003 (C86037071) and March 3, 2004 (C86048071). (C8605807100)

CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INC., FOR HOME HEALTH CARE SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Area Agency on Aging, Region One, Inc., for the provision of home health care services to individuals and families affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$130,000. The Area Agency on Aging was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026151) and subsequently renewed by the Board on March 5, 2003 (C86037131) and March 3, 2004 (C86048131). (C8605813100)

CONTRACT WITH COMMUNITY LEGAL SERVICES, INC., FOR BENEFITS/LEGAL ASSISTANCE SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a contract with Community Legal Services, Inc., for the provision of benefits/legal assistance services to eligible HIV/AIDS clients. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$45,000. Community Legal Services, Inc., was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026161). The contract was subsequently renewed by the Board on March 5, 2003 (C86037141) and on March 3, 2004 (C86038141). (C8605814100)

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CONTRACT WITH BODY POSITIVE, INC., FOR HIV NUTRITION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Body Positive, Inc., for the provision of HIV nutrition services to individuals and families affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$200,000. Body Positive was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026011) and subsequently renewed on March 5, 2003 (C86037161). (C8605816100)

CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INC., FOR HIV TRANSPORTATION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Area Agency on Aging, Region One, Inc., for the provision of HIV transportation services to those affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$150,000. The Area Agency on Aging was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors February 20, 2002 (C86026141) and subsequently renewed by the Board on March 5, 2003 (C86037241) and March 3, 2004 (C86048241). (C8605824100)

CONTRACT WITH BODY POSITIVE FOR HIV ALTERNATIVE/COMPLEMENTARY SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Body Positive for the provision of HIV alternative/complementary services to individuals affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$590,000. Body Positive was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on October 2, 2003. (C8605825100)

CONTRACT WITH DELTA DENTAL PLAN OF ARIZONA FOR DENTAL SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Delta Dental Plan of Arizona for the provision of dental services (prepay) to individuals affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$499,500. Delta Dental was a successful respondent to a Request For Proposals (MC1-348 D3) issued by the Department of Public Health on August 22, 2001. The original contract was approved by the Board of Supervisors on March 5, 2003 (C86037301) and subsequently renewed by the Board on March 3, 2004 (C86048301). (C8605830100)

CONTRACT WITH BODY POSITIVE FOR FOOD SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Body Positive for the provision of food services to individuals affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005 and continues through February 28, 2006 for a contract amount of \$175,000. Body Positive was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on October 22, 2004. (C8605837100)

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CONTRACT WITH ARIZONA OPPORTUNITIES INDUSTRIALIZATION CENTER FOR TARGETED OUTREACH

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Arizona Opportunities Industrialization Center, for the provision of targeted outreach services Minority Aids Initiative (MAI) to African-American individuals and families affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2005, and continues through February 28, 2006, for a contract amount of \$65,000. Arizona Opportunities Industrialization Center was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on October 22, 2004. (C8605840100)

GRANT FUNDS FROM SUSAN G. KOMEN BREAST CANCER FOUNDATION FOR "INCENTIVE AND TRANSPORTATION PROJECT"

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of additional funds for the Susan G. Komen Breast Cancer Foundation grant for the "Incentive and Transportation Project" in the amount of \$6,290. This grant was previously approved on our 2005 Letter of Intent in the amount of \$20,000. The grant award period will be April 1, 2005 through March 31, 2006. The Public Health Department's indirect rate is 19.3%. Grant indirect costs are limited at a rate of 10%. Indirect costs are estimated to be \$1,018 of which \$572 is recoverable and \$446 is unrecoverable. The grantor will provide reimbursement funding for this grant. Approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount not-to-exceed \$6,290. The appropriations adjustment is necessary because these funds were not included in the FY 2004-05 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8605900300)

AMENDMENT TO LEASE WITH TOWN OF GUADALUPE FOR HEAD START CLASSROOMS AND PLAYGROUND FACILITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment to Lease No. L-7309 with the Town of Guadalupe, Lessor for Head Start classrooms and playground facility located at 9401 S. Avenida Del Yaqui, Guadalupe, Arizona. The amendment to the lease identifies the existing public restrooms (Key 10 on Exhibit "A" to the lease) as part of lease premises and provides for the installation of electrically operated locks on the front gate of the entrance to the leased premises at no cost to the Lessor. There is no additional rent due for the additional leased premises. All other terms and conditions of the original lease as amended remain in full force and effect. The effective date of this amendment will be July 1, 2004 (C22011494). (C2205126400)

IGA FOR SOUTHWEST VALLEY REGION BUS ROUTE

Supervisor Wilcox noted that this IGA restores the bus route in several portions of the southwest Valley and that many people will benefit from this action. Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a four-part Intergovernmental Agreement (IGA) among and between Arizona Department of Transportation (ADOT), Pima County, Maricopa County, and the Regional Public Transportation Authority (RPTA) to establish and operate a bus route to serve residents of the southwest valley region. The route will run between Ajo in Pima County and Desert Sky Mall in southwest Phoenix, passing through Gila Bend, Buckeye, Avondale, Goodyear, and Tolleson.

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As stipulated in Attachment A of the IGA, the county will share the cost of the route with ADOT and Pima County. The funding plan calls for Maricopa County to contribute a maximum of \$750,000 during the first three years of operation. Of this amount, \$375,000 will be funds received under the federal Job Access Reverse Commute (JARC) grant. The remaining \$375,000 must be local matching funds as required to use JARC. In the first year, matching funds (in the amount of \$125,000) will come from the county's FY 2004-05 allocation of LTAF II funds. Although the JARC funds have been committed for all three years of the agreement, at this time local match is committed for the first year only. RPTA has indicated that matching funds for the second and third years (a total of \$250,000) could come from proceeds of the public transportation fund enacted via approval of Proposition 400 in November 2004. This would be subject to the Valley Metro Board's approval of the Transit Life Cycle Program and the applicable fiscal year budget. (C2205144200)

GRANT APPLICATION AUTHORIZATION FOR HEAD START AND EARLY HEAD START PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Human Services Department to submit applications for grant funding to support the continuation of Maricopa County's Head Start and Early Head Start programs, and authorize the Chairman to approve the receipt of any and all such funds awarded. Additional information regarding the programs and the funds that support them are provided in the Notices of Intent to Apply for Outside Funding. These services are designed to help individuals, children, and families enhance their economic, social, and physical wellbeing. Unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2005-06 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation Form, attached to each Notice of Intent, provides detail on indirect cost recovery. The total amount of federal funds requested will not exceed \$27,269,000. In preparing this request, the department used the current approved FY 2004-05 rate of 17.6% rate for computation purposes. Once the FY 2005-06 rate has been approved, the department will apply the new FY 2005-06 rate to all the computations. The department's FY 2004-05 authorized indirect cost rate of 17.6% estimates that indirect costs are \$2,319,694. (C22060013ZZ)

GRANT APPLICATION AUTHORIZATION FOR VARIOUS COMMUNITY PROGRAMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Maricopa County Human Services Department to submit six funding applications to various federal, state and private sector sources. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005-06 as a result of the corresponding grant requests. Unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2005-06 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation Form, attached to each Notice of Intent, provides detail on indirect cost recovery. The funding requested will not exceed \$7,150,000 in total. In preparing this request, the department used the current approved FY 2004-05 rate of 17.6% rate for computation purposes. Once the FY 2005-06 rate has been approved, the department will apply the new FY 2005-06 rate to all the computations. The department's FY 2004-05 authorized indirect cost rate of 17.6% was applied and total estimated indirect costs are \$142,177. Programs to be supported by the funding include:

- **Low-Income Home Weatherization and Utility Related Repair/Replacement Program.** This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2005-06.

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- **Utility Assistance.** Federal Low-Income Home Energy Assistance Funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss of life. This program works to prevent these outcomes. Over 4,600 households will benefit from these services in FY 2005-06.
- **Homeless Prevention Services and Homeless Support Services.** This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,100 households will be assisted in FY 2005-06.
- **Community Action Program Operations.** Funding will be provided to 13 Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as health fairs, information and referral services, operation of emergency food pantries and senior citizen meal programs. (C22060143ZZ)

FUNDING APPLICATIONS TO FEDERAL, STATE AND PRIVATE SECTOR SOURCES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Maricopa County Human Services Department to submit eight funding applications to various federal, state and private sector sources. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005-06 as a result of the corresponding grant requests. Unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2005-06 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation Form, attached to each Notice of Intent, provides detail on indirect cost recovery. The funding requested will not exceed \$14,000,000 in total. In preparing this request, the department used the current approved FY 2004-05 rate of 17.6% rate for computation purposes. Once the FY 2005-06 rate has been approved, the department will apply the new FY 2005-06 rate to all the computations. The department's FY 2004-05 authorized indirect cost rate of 17.6% was applied and total estimated indirect costs are \$860,544. (C22060283ZZ)

APPROPRIATION ADJUSTMENT TO MEDICAL EXAMINER DEPARTMENT GRANT FUND

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an appropriation adjustment to the FY 2004-05 Medical Examiner Department Grant Fund (Department 291, Fund 224), to increase revenues and expenditures by \$46,399. This amount includes all grant funds to be received through the Arizona Criminal Justice Commission that have been previously approved by the Board of Supervisors on October 20, 2004. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditures of this fund are not prohibited. This budget adjustment would not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The Medical Examiner Department's indirect cost rate is 23.76%. However, grant indirect costs are not recoverable. The agreement specifically states that the grant funds are not to be used for "any indirect costs that may be incurred". The funds may only be used for purposes designed to improve the quality and timeliness of the processing of forensic cases. Unrecoverable indirect costs are estimated to be \$11,024. The Board has previously approved waiving these indirect costs (C29050043). (C2905010300)

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CONTRACT WITH ARRINGTON WATKINS ARCHITECTS, LLC., FOR BUCKEYE HILLS REGIONAL PARK PUBLIC SHOOTING RANGE

Subject to County Counsel approval of the final form of agreement, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute the consultant services contract with Arrington Watkins Architects, LLC., for the professional architectural services to be performed in connection with the Buckeye Hills Regional Park Public Shooting Range in the amount of \$150,000. (C3005027500)

RENEW KENNEL PERMITS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of March 9, 2005 through March 8, 2006:

- a. Bobbie Nichols, d.b.a. Bobbies Bullies, 443 S. 97th Place, Mesa, AZ 85208, Permit #370
- b. Deborah Burnett, d.b.a. Kismet, 1040 E. Calle De Arcos, Tempe, AZ 85284, Permit #002

The cost of each kennel permit is \$90. (C7905068C00) (ADM2304)

KENNEL PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permits for the term of March 9, 2005 through March 8, 2006:

- a. Barbara Capwell, d.b.a. Capwell Kennels, 26325 S. Lime Drive, Queen Creek, AZ 85242. (C7905069C00) (ADM2304)
- b. Roberta Roth, d.b.a. Heelwyn Kennels, 1250 E. Mesquite Street, Gilbert, AZ 85296. (C7905070C00) (ADM2304)

The cost of a kennel permit is \$90.

DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of the following donations from:

- a. Ms. Karen Hurley, 3860 S. 343rd Avenue, Tonopah, AZ 85354 to Animal Care & Control (AC&C) in the amount of \$400. Donation revenue funds are deposited into Fund (573) as they are received. (C7905071700) (ADM2300)
- b. PETsMART Charities to Animal Care & Control (AC&C), a gift card donation, in the amount of \$537. (C7905074700) (ADM2300)

GRANT AGREEMENT FROM PETSMART CHARITIES TO VACCINATE DOGS AND CATS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a restricted Grant Agreement and accept same grant in the amount of \$70,000 from PETsMART Charities to be used to fund a contract hourly veterinarian to vaccinate dogs and cats for rabies and communicable diseases. The grant restricts the award to a maximum of 1,167 hours of veterinary service. The term of the restricted grant is January 27, 2005, through January 26, 2006. All monies must be expended by the close of January 26, 2006. Animal Care & Control will absorb all other direct and indirect costs associated with this grant into their budget including vaccine, medical supplies, staffing, vehicle

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expenses, and operational overhead. Approve an increase in revenue and expenditure authority of \$70,000 for (Department 790 Fund 573). (C7905072300)

AGREEMENT WITH ARIZONA HUMANE SOCIETY TO RESCUE ANIMALS FOR NEW HOPE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Agreement between the Arizona Humane Society, an Arizona nonprofit corporation, 1521 W. Dobbins Road, Phoenix, AZ 85041, and Maricopa County to allow the Arizona Humane Society to rescue animals eligible for the New Hope Program. The estimated loss of revenue of \$5,130 is based on the license fee that would be generated through the New Hope Program without this agreement. Each license is \$10 for dogs and \$5 for cats; 540 adoptions are anticipated being new hoped over the three-year period. The term of the agreement is from March 9, 2005 through June 30, 2007. (C7905073000)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials

- 04145-C Food Service Packaging Film** (\$1,500,000 estimate/three years with three one-year renewal options). Price agreement to purchase flexible packaging films for use by MCSO Food Service.
- Interstate Packaging Group, Inc.
 - Transilwrap Co., Inc.
- 04174-C Detergents, Synthetic and Laundry Alkalis Sours** (\$400,000 estimate/three years with three one-year renewal options). Price agreement for the purchase and delivery of laundry chemicals for the MCSO Laundry Facility and other county agencies.
- Ecolab, Inc.
- 04227-RFP Pharmacy Services – CHS** (\$35,000,000 estimate/five years with five one-year renewal options). Price agreement to provide comprehensive pharmacy services to Correctional Health Services. This contract will provide Pharmacists, drugs, dispensing, delivery and other associated services.
- Diamond Pharmacy Services

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- 04236-S Dental Services Providers – Head Start** (\$520,000 estimate/four years with two one-year renewal options). Price agreement to provide dental services to Head Start clients.
- American Dental Center, Inc.
 - Arizona Pediatric Dentistry
 - Arizona School Of Dentistry & Oral Health
 - Centrals Tooth Doctor
 - A Tooth Doctor For Kids East
 - Mountain Park Health Center

Contract Renewals

Extend the following contracts (extensions are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

Until April 30, 2006

- 02010-S Insurance Broker Services – Risk Management** (\$13,270,220 estimate/one-year). Price agreement renewal to provide insurance broker services and insurance for Maricopa County.
- Marsh USA, Inc.

Until March 31, 2008

- 02072-RFP Substance Abuse Treatment Program** (\$5,000,000 estimate/three years). Price agreement renewal to provide substance abuse treatment to juvenile probationary clients.
- Spectrum Health Systems, Inc.

Until May 31, 2008

- 99207-RFP Storage of Records** (\$591,000 estimate/three years). Price agreement renewal to provide secure storage of records for the various county agencies as requested by the Materials Management Department.
- Iron Mountain

Increase in the price agreement amount for the following contract. This request is due to an increased usage by county departments.

- 04032-C Continuous Ambient Particulate Samplers** (\$100,000 increase). Increase price agreement value from \$150,000 to \$250,000. This \$100,000 increase has been requested by the Environmental Services Department to meet increased demands of service. This agreement was initially approved by the Board of Supervisors on June 16, 2004, and has an expiration date of June 30, 2009.

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AGREEMENT WITH US BANK FOR SIGNATURE AUTHORITY ON WORKERS COMPENSATION CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Depository Services Resolution Agreement with US Bank to designate certain employees of Maricopa County's Third Party Workers Compensation Administrator, Pinnacle Risk Management Services to be authorized signers on Maricopa County's workers compensation claims account. (C7505006000) (ADM3712)

APPOINTMENT TO THE TRAVEL REDUCTION PROGRAM TASK FORCE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of Ms. Judi Rogalski to the Travel Reduction Program Task Force. This appointment shall be a two-year term to expire January 2007. (Supervisory District 3) (C8505010000) (ADM2358-001)

IGA WITH ADEQ FOR THE PURCHASE OF ARIZONA EMISSION INVENTORY SOFTWARE

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the IGA between Maricopa County and the Arizona Department of Environmental Quality (ADEQ), which is to provide a portion of the cost to the county for the purchase of Arizona Emission Inventory Software known as AEIView. ADEQ will fund \$10,000 of the county's \$30,000 costs to procure the Arizona Emission Inventory Software in order to facilitate data exchange between the state and counties. The software package is designed to calculate, store and display emissions data from a variety of source categories, and export this data in specific formats required by USEPA rules. (C8505011000)

CERT GRANT FUNDS FROM THE OFFICE OF DOMESTIC PREPAREDNESS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept \$126,198 in FY 2004-05 Community Emergency Response Teams (CERT) Grant funds from the Office of Domestic Preparedness. The funds are being awarded for the establishment of Citizen Corps Councils; delivery of training and maintenance of the programs of Citizen Corps, establishment of CERT Teams in local communities. Funds from this grant will be allocated to political subdivisions of the government and non-profit organizations within Maricopa County. The Maricopa County Department of Emergency Management (MCDEM) will determine the distribution of funds. MCDEM's indirect cost rate is 11.53% for FY 2004-05. Indirect costs are allowable and recoverable at a maximum rate of 3%. The maximum allowable recoverable indirect costs are \$3,786. The unallowable/unrecoverable portion of indirect costs associated with this grant is \$10,765. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is December 1, 2003, through December 30, 2005. The grantor will provide advance funding for the grant in two equal installments of \$63,099. (C1505006300)

DONATION

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept a donation of \$200 from DPC Enterprise, L.P. This donation will be used to purchase materials and to support future exercises on behalf of the Local Emergency Planning Committee (LEPC), for which the Department of Emergency Management provides the administrative

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support. This action will require an appropriation adjustment to Fund 215, increasing the Emergency Management's FY 2004-05 revenue and expenditure budgets by \$200. (C1505007000) (ADM900)

HAZARDOUS MATERIALS GRANT FROM ARIZONA DEPARTMENT OF EMERGENCY MANAGEMENT FOR MATERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept \$1,500 for the Hazardous Materials (HMEP) Grant from the Arizona Department of Emergency Management. This award supports the Local Emergency Planning Committee (LEPC). The grant period is July 1, 2004 through June 30, 2005. The funds will be used to purchase materials and supplies on behalf of LEPC, which the department provides the administrative support. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The indirect costs are not recoverable. The funds will be used for program costs. (C1505008300)

CLERK OF THE COURT IMPROVEMENTS (JACKSON STREET) PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following FY 2004-05 Major Maintenance Budget adjustments:

- In General Government, Fund (100), Agency (470), Org. (4732) decrease \$170,146 from the Old Courthouse Building Improvements Project, Function Class OOHl and increase the Clerk of Court Improvements (Jackson St) Project, Function Class COCl in the amount of \$170,146.
- Create a new project titled "Clerk of Court Improvements (Jackson St)", Function Class COCl in Year 1 of the plan General Fund (100) Appropriated Fund Balance (480), Org. (4832) in the amount of \$175,000.
- Approve the reallocation of \$175,000 from West Court Building Infrastructure Improvements, Function Class WCII, General Fund (100), Appropriated Fund Balance (480), Org. (4832) to the new project Clerk of Court Improvements (Jackson St), Function Class COCl, General Fund (100) Appropriated Fund Balance (480), Org. (4832). The adjustments have a net zero impact on the overall county budget.

Authorize the Public Notice legal advertisement and authority to award a Design-Bid-Build construction contract for Clerk of the Court Improvements (Jackson Street) Project 3315-05-042 (Maximo 05169244), to the lowest responsive responsible bidder, if the bid price is not more than ten percent over the architect's estimate. The project site is located at 501 W. Jackson Street, Phoenix. (C7005039800)

NEW BUILDING NAMING

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve naming the new Public Health Clinic at 16th Street and Roosevelt the "Maricopa County Public Health Clinic" and the new Superior Court facility at Union Hills and SR 51 the "Maricopa County Northeast Regional Court Center". Both facilities are currently under construction and scheduled to complete in April and May respectively this calendar year. (C7005041600) (ADM631-001)

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EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- A011.008 (JPP) Project No: 68927 – Chandler Heights Road Box Culvert at Eastern Canal – Letter Agreement for a Temporary Ingress and Egress Permit – Parcel No.: 303-55-204 – John R. and Patricia F. Pastor – for the sum of \$100.00.
- A121.002 (JPM) Project No: TT043 – McNeil Street (35th Avenue to 31st Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 300-15-061 – Marcus Angelus Sandersius and Sylvia Patricia Sandersius – for the sum of \$7,802.00.
- A121.002 (JPM) Project No: TT043 – McNeil Street (35th Avenue to 31st Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 300-15-061 – Marcus Angelus Sandersius and Sylvia Patricia Sandersius.
- A121.010 (LS) Project No: TT043 – PM 10 / OPS – McNeil Street (35th Avenue to 31st Avenue) – Agreement for Right of Entry – Parcel No.: 300-15-070G – Mariaelena Ugarte – for the sum of \$100.00.
- A187.004 (EGA) Project No: TT046 – 132nd Street (Chandler Heights Road to Brooks Farms Road) – Agreement for Right of Entry – Parcel No.: 303-44-030 – Stanton B. White and Annette D. White – for the sum of \$500.00.
- A187.006 (HH) Project No: TT046 – 132nd Street (Chandler Heights Road to Brooks Farms Road) – Agreement for Right of Entry – Parcel No.: 303-44-032C – Joseph M. Martony and Eva Reynolds Martony – for the sum of \$500.00.
- A187.008 (EGA) Project No: TT046 – 132nd Street (Chandler Heights Road to Brooks Farms Road) – Agreement for Right of Entry – Parcel No.: 303-44-006Y – Clyde E. McDonald and Sonya O. McDonald – for the sum of \$500.00.
- A236.001 & A236.002 (TS) Project No: TT046 – 103rd Street (McLellan to Jensen) – Agreement for Right of Entry – Parcel No.: 220-02-027C & 027D – Brooks B. Wilkinson, as Trustee – for the sum of \$500.00.
- A236.001 & A236.002 (TS) Project No: TT046 – 103rd Street (McLellan to Jensen) – Easement and Agreement for Highway Purposes – Parcel No.: 220-02-027C & 027D – Brooks B. Wilkinson, as Trustee – for the sum of \$15,858.00.
- A236.001 & A236.002 (TS) Project No: TT046 – 103rd Street (McLellan to Jensen) – Purchase Agreement and Escrow Instructions – Parcel No.: 220-02-027C & 027D – Brooks B. Wilkinson, as Trustee.
- A236.004 (TS) Project No: TT046 – 103rd Street (McLellan to Jensen) – Agreement for Right of Entry – Parcel No.: 220-02-026B – June Louise Barker Vance – for the sum of \$500.00.

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- A236.006
(TS) Project No: TT046 – 103rd Street (McLellan to Jensen) – Agreement for Right of Entry – Parcel No.: 220-02-024 – Thomas J. Currie and Gracagail Currie – for the sum of \$500.00.
- A236.011 &
A236.012
(JPM) Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Agreement for Right of Entry – Parcel No.: 220-02-005S – Donald L. Faust and Beverly Ann Faust – for the sum of \$500.00.
- A236.011 &
A236.012
(JPM) Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Easement and Agreement for Highway Purposes – Parcel No.: 220-02-005S – Donald L. Faust and Beverly Ann Faust – for the sum of \$13,357.00.
- A236.011 &
A236.012
(JPM) Project No: TT046 – 103rd Street (McLellan Road to McKellips Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 220-02-005S – Donald L. Faust and Beverly Ann Faust.
- A263.003
(JPM) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-015M – Bryon Conrad and Terri Conrad – for the sum of \$23,076.00.
- A263.003
(JPM) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-015M – Bryon Conrad and Terri Conrad.
- A263.005
(JPM) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-017D – Nancy B. Crowley, Trustee – for the sum of \$19,626.00.
- A263.005
(JPM) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-017D – Nancy B. Crowley, Trustee.
- A263.006
(JPM) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-024J – Michael Barrow – for the sum of \$22,003.00.
- A263.006
(JPM) Project No: TT047 – 33rd Avenue (Irvine Road to Desert Hills Drive) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-024J – Michael Barrow.
- A263.008
(LS) Project No: TT047 – PM 10 / OPS – 33rd Avenue (Irvine Road to Desert Hills Road) – Agreement for Right of Entry – Parcel No.: 203-14-018K - Jeffrey L. Haupricht – for the sum of \$500.00.
- A263.008
(LS) Project No: TT047 – PM 10 / OPS – 33rd Avenue (Irvine Road to Desert Hills Road) – Easement and Agreement for Highway Purposes – Parcel No.: 203-14-018K - Jeffrey L. Haupricht – for the sum of \$17,616.00.
- A263.008
(LS) Project No: TT047 – PM 10 / OPS – 33rd Avenue (Irvine Road to Desert Hills Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 203-14-018K - Jeffrey L. Haupricht.

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- A289.004
(LS) Project No: TT047 – Peak View Road (64th Street to 66th Street) – Agreement for Right of Entry – Parcel No.: 216-68-104D – John R. Blount and Shirlee Emery Blount – for the sum of \$500.00.
- DD-9470
(TS) Project No: TL008 – Rancho Cabrillo – Easement and Agreement for Highway Purposes – Parcel No.: 503-53-007 – Sun Belt Land Investment General Partnership – for the sum of \$1.00.
- LW-004
(EGA) Project No: TT007 – Old US Highway 80 (331st Avenue and Luke Wash) – Agreement for Right of Entry – Parcel No.: 401-40-001K, 003B – Enemencio De La Pena Jr. and Deborah A. De La Pena – for the sum of \$10.00.
- X-1355
(HH) Project No: 69010.5117 – Salome Highway (County Line to 491st Avenue) – Roadway Easement Agreement – Parcel No.: 506-16-006E – Southern California Edison Company – for the sum of \$1,709.00.

IGA AMENDMENT WITH ADOT FOR ESTRELLA FREEWAY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT), and the Maricopa County Department of Transportation. The amendment provides that ADOT will increase the amount payable to the county by an additional amount not to exceed \$460,000 for the additional work needed for the completion of the Design Concept Report (DCR) and Environmental Assessment for Estrella Freeway (SR 303L) from Interstate 10 to Grand Avenue (US 60). Upon completion of negotiations with the consultant for the additional work needed, the county will invoice the state an agreed upon amount not to exceed \$460,000. (C6400261203)

CHANGE ORDER WITH URS CORPORATION FOR SR 303L

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 9 to Contract No. CY 2001-36 with URS Corporation, in an amount not to exceed \$51,008 for the SR 303L from I-10 to US 60 project #T109, Work Order No. 69016. (C6401241509)

REIMBURSEMENT TO ROOSEVELT IRRIGATION DISTRICT FOR CONSTRUCTION COSTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Roosevelt Irrigation District (RID) for the costs incurred in the design and construction over-sight of their facilities that are in conflict with MCDOT Project 69083 – TT180 – Cotton Lane over the Gila River. The cost may not exceed the current estimate of \$73,200 (\$23,200 FY 2004-05 and \$50,000 FY 2005-06) by more than ten percent. (C6405211000) (ADM2000-006)

BID AND AWARD CONTRACT FOR CONSTRUCTION OF PM 10: 12TH STREET CIRCLE MOUNTAIN TO TONTO NATIONAL FOREST

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation for bids for the construction of PM 10: 12th Street Circle Mountain to Tonto National Forest (Johnson Road), Project #T040 (MCDOT No. 16217), and the award of a contract to the

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lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405215500)

IGA WITH SUN CITY FIRE DISTRICT FOR TRAFFIC SIGNAL AT 111TH AVENUE AND WINDSOR ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the IGA between Maricopa County and the Sun City Fire District for the installation and maintenance of a traffic signal at 111th Avenue and Windsor Road. The county is acting as the lead agency for the design and installation, with the fire district contributing \$20,000 to the project #T165. The county will invoice the fire district once the project is complete. (C6405218200)

AMENDMENT TO FY 2004-05 FIVE-YEAR CIP

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to the current FY 2004-05 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 12, 2004 by decreasing the FY 2004-05 capital budget for the following projects:

- Project T011, ROW In-fill Rd Inventory System (MCDOT #69010) capital budget by \$2,000,000
- Project T070, Alma School Road: McLellan - McKellips (MCDOT #68931) capital budget by \$1,800,000
- Project T081, Gilbert Road: McDowell – SR 87 (MCDOT #68957) capital budget by \$5,400,000

Adjust the following projects by increasing the FY 2004-05 (Year 1) capital budget for:

- Project T005, Candidate Assessment Reports (MCDOT #68884) capital budget by \$150,000
- Project T012, General Civil Engineering (MCDOT #68888) capital budget by \$170,000
- Project T019, AzTech Smart Corridors (MCDOT #68989) capital budget by \$230,000
- Project T040, PM10: 12th Street Circle Mountain - TNF (MCDOT #16217) capital budget by \$250,000
- Project T058, Estrella Interim Loop 303 (II) (MCDOT #68840) capital budget by \$500,000
- Project T061, McDowell: Pima Freeway to Alma School (MCDOT #68897) capital budget by \$800,000
- Project T062, Ellsworth: University - McLellan (MCDOT #68902) capital budget by \$650,000
- Project T072, MC 85 at Agua Fria/Bridge Scour (MCDOT #68933) capital budget by \$150,000
- Project T076, McQueen Road: Queen Creek - Pecos (MCDOT #68949) capital budget by \$950,000
- Project T083, MC 85: Cotton Lane – Estrella Parkway (MCDOT #68960) capital budget by \$290,000
- Project T087, Queen Creek Road: Arizona Avenue - McQueen (MCDOT #68966) capital budget by \$900,000
- Project T090, Power Road: Guadalupe – Baseline (MCDOT #68969) capital budget by \$150,000
- Project T094, Chandler Heights: Culvert at Eastern Canal (MCDOT #68975) capital budget by \$140,000

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- Project T109, Loop 303: Indian School - Clearview (MCDOT #69016) capital budget by \$460,000
- Project T117, Power Road: Williams Field - Ray (MCDOT #69038) capital budget by \$50,000
- Project T120, Bell Road at RH Johnson (MCDOT #69041) capital budget by \$50,000
- Project T123, Brown Road: Ellsworth - Crismon (MCDOT #69044) capital budget by \$30,000
- Project T138, Ocotillo Road: Power – Alma School (MCDOT #69062) capital budget by \$80,000
- Project T151, Contract Overlay FY 2004 (MCDOT #69067) capital budget by \$1,800,000
- Project T152, Sun City Asphalt Reconstruction FY 2004 (MCDOT #69068) capital budget by \$300,000
- Project T180, Cotton Lane Bridge at Gila River (MCDOT #69083) capital budget by \$1,100,000 for a net impact of zero.

The requested adjustment is necessary to realign the project budget to more closely match the year-end projected expenditure amount, and result in a net impact of zero. (C6405220800) (ADM 2000-003)

ROAD ABANDONMENT (ROAD FILE NO. A330)

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C6405225000)

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

COMMENCING at a point at the West 1/16 corner of Section 24, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian: Thence North 00°04'07" West along the east line of the Southwest quarter of the Southwest quarter of said Section 24, a distance of 115.02 feet to the POINT OF BEGINNING;

Thence continue Northerly along said line, a distance of 1,190.06 feet; Thence South 89°03'47" East, a distance of 30.00 feet; Thence South 00°04'07" East along a line parallel to the East line of the Southwest quarter of the Southwest quarter of said Section 24, a distance of 1,191.19 feet; Thence North 88°55'32" West along a line parallel to the South line of the Southwest quarter of said Section 24, a distance of 30.01 feet to the POINT OF BEGINNING.

Said abandonment being the appox projection for 121st Avenue, from Indian School Road North appox 1320 feet to Westerly prolongation of Glenrosa Avenue.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the

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County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 9th day of March 2005.

CONTRACT WITH PINNACLEONE FOR ON CALL CONSULTANT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve On Call Consultant Services Contract No. 2004-140 with PinnacleOne in an amount not to exceed \$150,000 to perform on call construction management and cost estimating services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$150,000, whichever occurs first. (C6405227500)

ADDITION OF PROJECT TO THE TIP AND AMEND THE FIVE-YEAR CIP

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition of project #T191, Vineyard Avenue/143rd Avenue: Estrella Parkway to Indian Springs Road to the Department of Transportation's FY 2004-05 TIP (CIP) budget, and establish the project budget at \$750,000. Approve an amendment to the current FY 2005-09 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 12, 2004 by decreasing the FY 2004-05 (Year 1) capital budget for Project T003, Special Projects (MCDOT #99999) capital budget by \$750,000 and increasing the FY 2004-05 (Year 1) capital budget for Project #T191, Vineyard Avenue/143rd Avenue: Estrella Parkway to Indian Springs Road capital budget by \$750,000 for a net impact of zero. (C6405228800) (ADM2000-003)

BID AND AWARD CONTRACT FOR CONSTRUCTION OF VINEYARD AVENUE/143RD AVENUE: ESTRELLA PARKWAY TO INDIAN SPRINGS ROAD

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation for bids for the construction of Vineyard Avenue/143rd Avenue: Estrella Parkway to Indian Springs Road, Project T191. Approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405229500)

Supervisor Wilcox said that the improvements covered by the last two items will greatly enhance the traffic problems in the area.

Those signing up to speak in favor of the last two items included Avondale Mayor Ron Drake, James Hamilton, PIR, and Chief Lanny Black, Sheriff's Office, but they did not speak.

CHANGE ORDER WITH DAVID EVANS & ASSOCIATES, INC., FOR THE GDACS PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 23 to Contract No. CY 1999-44 with David Evans & Associates, Inc., in an amount not-to-exceed of \$90,428.03 to perform Phase 3K2, (Part of T3S R2W, T3S R1W, and T3S R1E) of the GDACS project. This change order will increase the contract amount by \$90,428.03 for a total revised contract amount of \$1,492,389.12. (C6499273523)

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APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following appointments:

- a. Merit System Commission – Re-appoint Sara Vannucci whose term will be effective from Board of Supervisors' approval through December 31, 2008. (ADM3315-001)
- b. Industrial Development Authority Board of Directors – Appoint Mr. Charlie Thompson to fill the unexpired portion of the term created by the removal of Gary Gibbons. The term will be effective from Board of Supervisors' approval through December 17, 2005. (ADM4500-001)

HEARING SET – ROAD FILE DECLARATION

Petition has been filed for declaration of the following roads into the county highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a hearing for 9:00 a.m., Wednesday, April 6, 2005, on the following:

- i. **Road File No. 315.** In the vicinity of 155th Avenue – from Frontier Road to Jomax Road (C6405222000)
- ii. **Road File No. A332.** In the vicinity of Pima Street - 177th Avenue to 175th Drive; 176th Avenue - Durango Street to Pima Street; 178th Avenue - Durango to EOM (approximately .25 mile); Papago Street - 177th Avenue to 175th Drive; Citrus Bypass Road - Durango Street to EOM (C6405223500)
- iii. **Road File No. A064.** All of the streets in their entirety in Estrella Dells Unit Two (C6405226000)

HEARING SET - ROAD FILE LEGAL DESCRIPTION AMENDMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a hearing for 9:00 A.M. on Wednesday, April 6, 2005, to hear the petition for a legal description amendment of Road File A273-R, which is in the vicinity of Rainbow Trail – Airport Road to Hermit Road. This road was declared into the county highway system on July 30, 2003 (C64040045). (C6405224000)

HEARING SET – ROAD FILE ABANDONMENT

On the recommendation of the Transportation Director, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a hearing for 9:00 a.m., Wednesday, April 6, 2005, on the abandonment of a portion of the following roadway.

Road File No. AB-107. A portion of Cloud Road. Objection to the abandonment has been noted. (C6405219500)

HEARING SET - AIR POLLUTION CONTROL REGULATIONS RULE 314 AND RULE 358 AND SIP
HEARING SET – CHANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing, as required by A.R.S. §49-479(b), for April 20, 2005 to solicit comments on proposed amendments to the Maricopa County Air Pollution Control Regulations Rule 314 (Open Outdoor

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Fires) and proposed new Rule 358 (Polystyrene Foam Operations) and on submitting these rules as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board will adopt proposed amended Rule 314 and proposed new Rule 358 and to submit the rules as revisions to the (Arizona) State Implementation Plan. (C8505012000) (ADM2354)

HEARING SET - RIGHT-OF-WAY AND EASEMENTS AT ESTRELLA MOUNTAIN REGIONAL PARK

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing for 9:00 am on Wednesday, April 20, 2005 to solicit comments on a request for right-of-way, drainage easements, a slope easement and temporary construction easement across portions of Estrella Mountain Regional Park by the Maricopa County Department of Transportation. This was a request made to the Maricopa County Parks and Recreation Commission on February 15, 2005 with a determination to forward the request to the Board of Supervisors with no recommendation. (C3005029M00) (ADM3200)

HEARING SET – DEANNEXATION/ANNEXATION

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing, pursuant to A.R.S §9-471.02, for 9:00 am on Wednesday, April 20, 2005 regarding ordinances filed by:

- i. **City of Tolleson and the City of Phoenix** deannexing and annexing certain territory within their present corporate limits. The City of Tolleson (Ordinance #423) will deannex and the City of Phoenix (Ordinance #G-4666) will annex approximately 3.06 acres of certain right-of-way within the City of Tolleson on 83rd Avenue between Van Buren Street and I-10. (ADM4213)
- ii. City of Peoria and the City of Phoenix deannexing and annexing certain territory within their present corporate limits. The City of Peoria (05-04) will deannex and the City of Phoenix (Ordinance G-4674) will annex approximately 0.0002 acres of certain territory within the City of Peoria along the alignment of Pyramid Peak Parkway. (ADM4213)

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor, seconded by Supervisor, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for April 6, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2004-059; Z2004-076; Z2004-119; Z2005-001; Z2004-027; CPA2004-004

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA – REQUEST FOR RESOLUTION - WITHDRAWN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the request for resolution granting approval for the issuance of Revenue Refunding Bonds entitled: Multifamily Housing Revenue Refunding Bonds (FHA Insured Mortgage Loan - The Villas At Augusta Ranch Apartments Project) Series 2005 (not to exceed \$17,975,000). (ADM4792)

The Clerk announced the withdrawal of this item by the department.

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ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309)

Employee	Amount
Mike Fusselman	\$17,093.33

CANVASS OF ELECTIONS

No election canvasses were presented at this time.

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<u>PARCEL NUMBER</u>	<u>YEAR</u>	<u>OWNER</u>	<u>FROM</u>	<u>TO</u>
105-84-123	2002	Joann Scott	LC/4	LC/3
105-84-123	2003	Joann Scott	LC/4	LC/3
105-84-123	2004	Joann Scott	LC/4	LC/3
118-43-070	2004	K J Sanford	LC/3	LC/6.1
128-53-224	2002	Jonathan Spiegel	LC/4	LC/3
128-53-224	2003	Jonathan Spiegel	LC/4	LC/3
128-53-224	2004	Jonathan Spiegel	LC/4	LC/3
140-57-302	2004	Bruce Blasdel	LC/4	LC/3
159-01-037	2002	John Taniel	LC/4	LC/3
159-01-037	2003	John Taniel	LC/4	LC/3
159-01-037	2004	John Taniel	LC/4	LC/3
159-48-031	2004	Frederick Mueller	LC/4	LC/MIXED
162-07-158	2002	Sam Clandrino	LC/4	LC/3
162-07-158	2003	Sam Clandrino	LC/4	LC/3
162-07-158	2004	Sam Clandrino	LC/4	LC/3
171-14-123	2002	Rich Baxter	LC/4	LC/3
171-14-123	2003	Rich Baxter	LC/4	LC/3
171-14-123	2004	Rich Baxter	LC/4	LC/3
173-32-097	2004	John Mollard	LC/4	LC/3
200-84-867	2002	James Dodson	LC/4	LC/3
200-84-867	2003	James Dodson	LC/4	LC/3
200-84-867	2004	James Dodson	LC/4	LC/3
213-05-773	2002	Mary B Christy	LC/4	LC/3
213-05-773	2003	Mary B Christy	LC/4	LC/3
213-05-773	2004	Mary B Christy	LC/4	LC/3
217-49-398	2002	Wilma Carr	LC/4	LC/3
217-49-398	2003	Wilma Carr	LC/4	LC/3
217-49-398	2004	Wilma Carr	LC/4	LC/3
218-40-179	2002	Donald Smith	LC/4	LC/3

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218-40-179	2003	Donald Smith	LC/4	LC/3
218-40-179	2004	Donald Smith	LC/4	LC/3
218-55-771	2002	Roger Sheets	LC/4	LC/3
218-55-771	2003	Roger Sheets	LC/4	LC/3
218-55-771	2004	Roger Sheets	LC/4	LC/3
300-05-358	2004	Marty Frnklin	LC/4	LC/3
301-48-652	2002	Patricia George	LC/4	LC/3
301-48-652	2003	Patricia George	LC/4	LC/3
301-48-652	2004	Patricia George	LC/4	LC/3
303-71-013	2004	Rayan Plummer	LC/4	LC/3
304-26-001Y	2004	Barbara Shaw	LC/4	MIXED
503-43-002A	2002	Janie Brown	LC/4	LC/3
503-43-002A	2002	Janie Brown	LC/4	LC/3
503-43-002A	2003	Janie Brown	LC/4	LC/3
503-43-002A	2004	Janie Brown	LC/4	LC/3

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Annie Florence Darby	250014520	General	\$105.00
Jaqueline Otero	350516608	Expense	\$472.62
Lee Azurin	250040061	General	\$1,241.94
Lee Azurin	250047177	General	\$1,051.47
Michael Tracey	250048251	Salary	\$866.53
Andrew Wannemacher	350529627	Expense	\$131.25
Judith Butorac	250029194	Expense	\$80.00
David VanEynde	250018964	Expense	\$90.00

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Melissa Owens	Alhambra SD	150073395	\$284.54
Maria Alicia Aguilar	Pendergast SD	150073973	\$508.32
Bashas'	Roosevelt SD #66	440088626	\$24.76
Janet Rowe	Higley USD #60	140075710	\$71.75
Janet Rowe	Higley USD #60	150063322	\$252.11
Ingrid Nevin-Halloway	Littleton Elem SD	150072937	\$745.90
Jenelle Zingg	Avondale Elem SD	150009654	\$111.74
Rhiannon Hobkirk	Phoenix Elem SD #1	150074409	\$220.95
Josefina Grajeda	Alhambra SD	150077893	\$319.46
Araceli Corral	Phoenix Elem SD #1	150074398	\$300.25
TH & Associates	Phoenix Elem SD #1	450081542	\$1,358.00
Britney Kirk	Litchfield Elem SD #79	150078348	\$829.46

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Ace Mascot	Osborn SD #8	450082776	\$500.00
Booker Henry	Tolleson Elem SD	150077195	\$166.23
Shamrock Towing	Higley Unified SD #60	450065326	\$500.00
James Hoffman	Treasurer/Supt. of Schools	150163128	\$429.60
Target	Balsz SD #31	450075007	\$50.94
Dolores Montoya	Buckeye Elem SD #33	150075335	\$183.26
Carol Dickens	Avondale Elem SD	150080087	\$680.25
Anthony Mullins	Alhambra SD	1582758	\$245.14
Veronica Aguilera	Alhambra SD	150077778	\$464.51

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated March 9, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls in accordance with the report on file in the Clerk of the Board's office. (ADM705)

TAX ROLL	FROM RESOLUTION NO.	NET RESULT
2004	33553	\$1,577.44
2004	33567	-\$68,373.64
2004	33568	-\$9,493.56
2004	33570	-\$1,795.91
2004	33569	\$13.26
2004	33569	\$42.14
2004	33569	-\$736.27
2004	33569	-\$17,562.98

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases on file in the Clerk of the Board's office, list dated March 9, 2005. (ADM704)

2003
2003/2004
2004
TX 04-000057
TX 04-000199
2004/2005
ST 04-000077

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TX 03-000620
TX 04-000043
2005
TX 04-000648

STALE DATED WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Wendover Financial	\$3,724.34

COUNTY FAIR RACING MEET

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Maricopa County Fair, Inc., to conduct a county fair racing meet under the terms and at such time as provided in the application for the racing permit submitted by the County Fair Association, Inc., to the Arizona Department of Racing. (ADM150)

TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office in accordance with the report on file in the Clerk of the Board's office. (ADM708)

Parcel #	Year	Proposed Abatement	Parcel #	Year	Proposed Abatement
214-11-025A	1988	\$842.99	201-21-047-3	2000	\$640.31
214-11-025A	1989	\$1,118.90	201-21-047-3	2001	\$544.62
214-11-025A	1990	\$1,087.16	105-65-286D	1991	\$971.16
214-11-025A	1991	\$1,014.38	105-65-286D	1992	\$834.35
214-11-025A	1992	\$900.85	105-65-286D	1993	\$706.05
214-11-025A	1993	\$786.05	105-65-286D	1994	\$618.28
214-11-025A	1994	\$881.99	105-65-286D	1995	\$489.21
214-11-025A	1995	\$760.00	105-65-286D	1996	\$536.13
910-89-656-9	1987	\$9,765.66	105-65-286D	1997	\$470.22
303-30-0208C-8	2000	\$1,050.12	105-65-286D	1998	\$438.24
303-30-0208C-8	2001	\$863.22	105-65-286D	1999	\$424.36
303-30-0208C-8	2002	\$769.06	105-65-286D	2000	\$626.63
303-30-0208C-8	2003	\$628.69	105-65-286D	2001	\$700.09
303-30-0208C-8	2004	\$614.50	104-41-001H-1	2002	\$1,075.62
201-21-048-1	2000	\$564.11	104-41-001H-1	2003	\$1,073.15
201-21-048-1	2001	\$496.95	104-41-001H-1	2004	\$782.44

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COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for January 2005 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held February 22, 2005). (ADM407)

Bortin, Angela	\$1,700.00	Navalazaro, Stephanie	\$10,000.00
Green, Cherica	\$5,000.00	Paladin, Ernest	\$18,000.00
Heermann, Keri	\$4,750.00	Smith, Daniel	\$4,500.00

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested write-offs for accounting purposes only for the following cases: (Discussed in executive session held February 22, 2005). (ADM407)

Zimmerman, Conner Daniel	\$6,095.90
Sheriff's Uncollectible Accounts	\$36,195.00
(List on file in the Clerk of the Board's office)	

DISSOLUTION OF STREET IMPROVEMENT DISTRICT

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to regard the petition filed for the dissolution of the Maplewood Street Improvement District (K108). No improvements have been made and there are no bond obligations of the district. The Maplewood Street alignment will remain a private roadway with no county maintenance. The district is located in the vicinity of Pecos Road and Greenfield Road. (C6405207000) (ADM4302)

**RESOLUTION FOR DISSOLUTION OF
MAPLEWOOD STREET IMPROVEMENT DISTRICT
DISTRICT K108**

WHEREAS, the Board of Supervisors of Maricopa County, Arizona, under Arizona Revised Statutes, established said Maplewood Street Improvement District, and

WHEREAS, the Board of Supervisors of Maricopa County, Arizona, are the Board of Directors of said district, and

WHEREAS, there is no indebtedness and obligations of said district outstanding, and

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WHEREAS, the Maplewood Street alignment is private and shall remain a private roadway and no county or municipal corporation has not intends to do the operation and maintenance functions of said district,

WHEREAS, the residents petitioned for dissolution with no objections,

NOW THEREFORE IT IS RESOLVED, that the Maplewood Street Improvement District is hereby dissolved.

ADOPTED this 9th day of March 2005.

/s/ Max W. Wilson, Chairman of the Board of
Maplewood Street Improvement District

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock commented on the meetings he and several other Supervisors attended at the recent National Association of Counties meeting in Washington D.C. He said there were several interesting workshops on many topics that included border enforcement and Homeland Security. The Maricopa County delegation met with the senators from Arizona and Supervisor Brock said they were all "very much in tune with the major problems Arizona faces." (ADM606)

Supervisor Brock also commented on the changing date, from April 9th to April 30th, for a major clean-up on some of the County islands near Tempe and he said all citizens would be welcome to come out to help in this effort.

Supervisor Wilcox spoke on the recent federal review, and the County Head Start program's designation as having a Program of Excellence. She indicated that the new database to track and monitor program services was especially lauded in this preliminary review. She also recognized that it was on this date in 1995 when Phoenix received the new major league franchise for the Diamondbacks that resulted in the major league stadium (BOB) being built and the team's subsequent win of the World's Series in 2001. She said the landmark stadium came in on time and on budget. The County continues to support the long-term care of the stadium from a share of the proceeds from games and other activities held there.

Supervisor Kunasek referenced the earlier discussion on the Phoenix Brick Yard and asked that the County's environmental staff and Industrial Development Authority work with that company to try to find a solution to keep it from going out of business because of the increased cost mandated in Rule 325. He said it was extremely troubling to think of ruining a productive company and also of losing nearly 100 inner-city manufacturing jobs. He felt that every available resource should be used to help them come into compliance and still stay in business.

Chairman Wilson said that recent work has been done in budget meetings with the State Legislature and at this point everything was looking good.

Chairman Wilson called a five-minute break at this time.

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PLANNING AND ZONING AGENDA

~ Supervisor Brock left the meeting ~

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2004-048 District 4**
 Applicant: Patton Place, LLC.
 Location: East of the northeast corner of 243rd Avenue and Peak View Road (in the Surprise area)
 Request: Final Plat in the Rural-43 zoning district for Patton Place Unit 5 (44.51 ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

REGULAR AGENDA DETAIL:

2. **Z2004-027 District 5 – CONTINUED**
 Applicant: Rulon Anderson on behalf of T-Mobile and Lloyd Banning
 Location: West side of 67th Avenue, north of Broadway Road (in the southwest Phoenix area)
 Request: Special Use Permit (SUP) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 – T-Mobile Banning Farm Hay Sales (600 square feet)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z2004-027, subject to the following stipulations "a" through "l". Commissioner Smith seconded the motion, which passed with a ~~split vote of 7-1 – Commissioner Porter dissented~~ unanimous vote of 8-0 (The Clerk announced this correction to the information regarding this case.)

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "T-Mobile, PH 20106A, Banning Farms Hay Sales", consisting of five (5) full-size sheets prepared by Young Design Corporation, dated revised May 13, 2004, stamped by the architect May 13, 2004, 2004, and stamped received January 13, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be in conformance with the narrative report entitled "T-Mobile, Project Submittal Narrative for a Special Use Permit, Banning Farms Hay Sales, 3836 S. 67th Avenue, Phoenix, AZ 85043", consisting of three (3) pages, stamped received January 13, 2005, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for 67th Avenue shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.

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- d. The height of the monopole, including any attachments, shall be limited to 65'. Co-location shall be allowed.
- e. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- f. The applicant shall submit a written report outlining the status of the development at the end of two years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The status report shall include photographs of the facility.
- g. Antenna arrays shall be of a minimal width and mounting equipment. No catwalk type designs shall be permitted.
- h. An administrative amendment shall be required to co-locate future carriers on the monopole.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning and Development Department or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. The applicant shall obtain the necessary permits prior to the commencement of any site improvements. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department for all structures on the property.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this item to the April 6, 2005, meeting.

~ Supervisor Brock returned to the meeting ~

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3. **TA2004-001 All Districts**
 Applicant: Commission initiative
 Request: Text Amendment to the Maricopa County Zoning Ordinance to incorporate civil enforcement procedures in regard to code violations.

COMMISSION ACTION: Commissioner Smith moved to recommend approval of TA2004-001. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

CHAPTER 15, Section 1504.3 Violation Penalty and Enforcement
PROCEDURES FOR CIVIL HEARINGS AND REVIEW OF HEARINGS

Article 1504.3 CIVIL: The Board of Supervisors hereby establishes the position of hearing Officer to hear and decide all civil proceedings established by any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11, Chapter 6 Planning and Zoning.

The Board of Supervisors shall adopt separate rules of procedure for civil hearings and review of hearings. These rules shall be adopted in the same manner as the Zoning Ordinance.

~~The Zoning Inspector in consultation with the Hearing Officer is authorized to develop any other rules, procedures, processes and forms necessary to implement civil proceedings under any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 County Planning and Zoning.~~

ARTICLE 1504.3.1

- A) HEARING OFFICER THE INDIVIDUAL (S) APPOINTED BY THE MARICOPA COUNTY BOARD OF SUPERVISORS TO HEAR AND DECIDE ALL CIVIL PROCEEDINGS ESTABLISHED BY ANY ORDINANCE, REGULATION, OR PROVISION ENACTED OR ADOPTED BY THE BOARD OF SUPERVISORS UNDER THE AUTHORITY GRANTED BY ARS TITLE 11, CHAPTER 6 COUNTY PLANNING AND ZONING.
- B) ZONING INSPECTOR THE DIRECTOR OF THE MARICOPA COUNTY PLANNING AND DEVELOPMENT DEPARTMENT OR HIS/HER DESIGNATED REPRESENTATIVE

ARTICLE 1504.3.2 NOTICE

NOTICE OF THE HEARING SHALL BE PERSONALLY SERVED ON THE ALLEGED VIOLATOR BY THE ZONING INSPECTOR AT LEAST FIVE DAYS PRIOR TO THE HEARING. IF THE ZONING INSPECTOR IS UNABLE TO PERSONALLY SERVE THE NOTICE, THE NOTICE MAY BE SERVED IN THE SAME MANNER PRESCRIBED FOR ALTERNATIVE METHODS OF SERVICE BY THE ARIZONA RULES OF CIVIL PROCEDURE. A NOTICE SERVED UPON THE ALLEGED VIOLATOR OTHER THAN BY PERSONAL SERVICE SHALL BE SERVED AT LEAST THIRTY DAYS PRIOR TO THE HEARING.

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THE NOTICE SHALL INCLUDE INFORMATION REGARDING THE ALLEGED VIOLATOR'S RIGHT TO BE REPRESENTED BY COUNSEL OR OTHER DESIGNATED REPRESENTATIVE AND THAT FAILURE OF THE ALLEGED VIOLATOR TO PROVIDE TIMELY WRITTEN NOTIFICATION OF AN ELECTION TO BE REPRESENTED BY COUNSEL OR OTHER DESIGNATED REPRESENTATIVE CONSTITUTES A WAIVER OF THAT RIGHT.

ARTICLE 1504.3.3 DISCOVERY

NO PRE-HEARING DISCOVERY SHALL BE PERMITTED ABSENT EXTRAORDINARY CIRCUMSTANCES.

ARTICLE 1504.3.4 CONTINUANCE

THE HEARING OFFICER MAY, UPON ANY MOTION OF ANY PARTY OR ON ITS OWN MOTION, CONTINUE THE HEARING FOR A PERIOD NOT EXCEEDING 60 DAYS, IF IT APPEARS THAT THE INTERESTS OF JUSTICE SO REQUIRE. ABSENT EXTRAORDINARY CIRCUMSTANCES, NO HEARING SHALL BE CONTINUED BY THE HEARING OFFICER WITHOUT NOTICE TO BOTH PARTIES. THE HEARING OFFICER, OR HIS/HER DESIGNATED ADMINISTRATIVE ASSISTANT, SHALL NOTIFY BOTH PARTIES IN WRITING OF THE NEW HEARING DATE.

ARTICLE 1504.3.5 CONDUCT OF HEARING

- A. ALL TESTIMONY SHALL BE GIVEN UNDER OATH.
- B. THE HEARING OFFICER MAY, ON HIS OWN MOTION, CALL AND EXAMINE WITNESSES, INCLUDING THE DEFENDANT. NO PERSON MAY BE EXAMINED AT A HEARING EXCEPT BY THE HEARING OFFICER, THE DEFENDANT'S ATTORNEY OR DESIGNATED REPRESENTATIVE, THE ZONING INSPECTOR OR COUNTY ATTORNEY.
- C. THE ARIZONA RULES OF EVIDENCE SHALL NOT APPLY BEFORE THE HEARING OFFICER. ANY EVIDENCE OFFERED MAY BE ADMITTED SUBJECT TO A DETERMINATION BY THE HEARING OFFICER THAT THE OFFERED EVIDENCE IS RELEVANT AND MATERIAL AND HAS SOME PROBATIVE VALUE TO A FACT AT ISSUE. THIS IS NOT TO BE CONSTRUED AS ABROGATING ANY STATUTORY PROVISION RELATING TO PRIVILEGED COMMUNICATIONS.
- D. ALL WITNESSES FOR THE COUNTY'S CASE IN CHIEF, OTHER THAN THE DEFENDANT, SHALL BE REQUIRED TO TESTIFY PRIOR TO THE DEFENDANT BEING REQUIRED TO TESTIFY OR TO PRODUCE EVIDENCE. HOWEVER, A WITNESS NOT CALLED TO TESTIFY IN THE COUNTY'S CASE IN CHIEF MAY BE CALLED IN REBUTTAL TO TESTIFY TO AN ISSUE RAISED BY THE DEFENSE.
- E. THE ORDER OF PROCEEDINGS SHALL BE AS FOLLOWS:
 - 1. TESTIMONY OF COUNTY'S WITNESSES.

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2. TESTIMONY OF DEFENSE WITNESSES.
3. TESTIMONY OF COUNTY'S REBUTTAL WITNESSES, IF ANY.
4. TESTIMONY OF DEFENSE REBUTTAL WITNESSES, IF ANY.
5. ARGUMENT OF THE PARTIES OR THEIR COUNSEL OR DESIGNATED REPRESENTATIVE, IF PERMITTED BY THE HEARING OFFICER.
6. RULING BY THE HEARING OFFICER. THE RULING MAY INCLUDE THE FINDINGS, CONCLUSIONS AND OPINION OF THE HEARING OFFICER.

- F. A RECORD OF THE PROCEEDINGS SHALL BE MADE BY AUDIOTAPE. IN ADDITION, A RECORD OF THE PROCEEDINGS MAY BE MADE BY A COURT REPORTER, IF PROVIDED BY THE DEFENDANT AT THE DEFENDANT'S EXPENSE.
- G. IF NO WITNESS FOR THE COUNTY, EXCLUDING DEFENDANT APPEARS AT THE TIME SET FOR THE HEARING, THE HEARING OFFICER SHALL DISMISS THE COMPLAINT UNLESS THE HEARING OFFICER, FOR GOOD CAUSE SHOWN, CONTINUES TO ANOTHER DATE.
- H. IF THE DEFENDANT FAILS TO APPEAR OR BE REPRESENTED AT THE TIME SET FOR THE HEARING, THE ALLEGATIONS OF THE COMPLAINT SHALL BE DEEMED ADMITTED. IF IT APPEARS FROM THE FACE OF THE COMPLAINT THAT THE DEFENDANT IS IN ACTIVE MILITARY SERVICE, NO DEFAULT JUDGMENT MAY BE ENTERED. IN SUCH CASE, THE HEARING OFFICER MAY NOTIFY THE DEFENDANT'S COMMANDING OFFICER, IF KNOWN, OF THE DEFENDANT'S FAILURE TO APPEAR.

ARTICLE 1504.3.6 CIVIL PENALTIES

IF THE DEFENDANT, AFTER DEFAULT OR HEARING, IS FOUND RESPONSIBLE THE HEARING OFFICER SHALL ENTER JUDGMENT FOR THE COUNTY, IMPOSE CIVIL SANCTION AND REPORT THE JUDGMENT TO THE ZONING INSPECTOR. THE DEFENDANT SHALL NORMALLY CORRECT THE VIOLATION (S) WITHIN 30 DAYS FROM THE HEARING DATE. THE HEARING OFFICER SHALL OUTLINE IN THE JUDGMENT A NON-COMPLIANCE AND DAILY CIVIL PENALTY TO ACCRUE, SHOULD THE VIOLATION NOT BE ABATED BY THE COMPLIANCE DATE SPECIFIED BY THE HEARING OFFICER.

ARTICLE 1504.3.7 RIGHT TO APPEAL

IMMEDIATELY FOLLOWING JUDGMENT AND IMPOSITION OF CIVIL SANCTION AFTER HEARING OR DEFAULT, THE HEARING OFFICER SHALL DELIVER TO THE DEFENDANT A WRITTEN NOTICE OF HIS RIGHT TO APPEAL TO THE BOARD OF SUPERVISORS. SUCH NOTICE SHALL STATE THAT A RIGHT TO APPEAL EXISTS, THE APPLICABLE TIME LIMIT, AND THE LOCATION AND MANNER OF FILING THE NOTICE OF APPEAL, AND SHALL REFER THE DEFENDANT TO THE RULES GOVERNING THE APPEAL PROCESS TO THE BOARD OF SUPERVISORS.

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ARTICLE 1504.3.8 RECORD ON APPEAL

THE REVIEW SHALL BE LIMITED TO THE RECORD OF PROCEEDINGS BEFORE THE HEARING OFFICER AND NO NEW EVIDENCE SHALL BE INTRODUCED. THE RECORD OF PROCEEDINGS SHALL INCLUDE ALL PLEADINGS AND ORDERS IN THE HEARING OFFICER'S FILE, COPIES OF ALL EVIDENCE SUBMITTED AT THE HEARING, AND A COPY OF THE AUDIOTAPE OF THE HEARING. IF THE BOARD OF SUPERVISORS DETERMINES THAT A TRANSCRIPT OF THE AUDIOTAPE IS NECESSARY, A TRANSCRIPT SHALL BE PREPARED AT THE COUNTY'S EXPENSE. A TRIAL DE NOVO (NEW TRIAL) IS NOT PERMITTED.

ARTICLE 1504.3.9 NOTICE OF REVIEW

UPON RECEIPT OF THE RECORD FROM THE HEARING OFFICER, THE CLERK OF THE BOARD OF SUPERVISOR'S SHALL PLACE ON THE BOARD OF SUPERVISOR'S AGENDA AND SHALL MAIL THE PARTIES WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING. THE NOTICE SHALL BE MAILED NOT LESS THAN 5 DAYS PRIOR TO THE MEETING AT WHICH THE MATTER WILL BE HEARD.

ARTICLE 1504.3.10 REVIEW OF HEARING

THE REVIEW SHALL BE LIMITED TO AN ADMINISTRATIVE REVIEW ONLY. AFTER CONSIDERATION OF THE APPEAL AND REVIEW OF THE RECORD THE BOARD OF SUPERVISOR'S MAY AFFIRM THE ACTION OF THE HEARING OFFICER OR DECIDE THAT SOME PROCEDURAL ERROR EXISTED AND REMAND FOR FURTHER PROCEEDINGS.

ARTICLE 1504.3.11 APPEAL TO SUPERIOR COURT

JUDICIAL REVIEW OF THE BOARD OF SUPERVISOR'S DECISION SHALL BE PURSUANT TO ARIZONA REVISED STATUTES TITLE 12, CHAPTER 7, ARTICLE 6.

ARTICLE 1504.3.12

THE ZONING INSPECTOR IN CONSULTATION WITH THE HEARING OFFICER IS AUTHORIZED TO DEVELOP ANY OTHER RULES, PROCEDURES, PROCESSES AND FORMS NECESSARY TO IMPLEMENT CIVIL PROCEEDINGS UNDER ANY ORDINANCE, REGULATION, OR PROVISION ENACTED OR ADOPTED BY THE BOARD OF SUPERVISORS UNDER ARS TITLE 11 CHAPTER 6 COUNTY PLANNING AND ZONING.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the TA Amendment as given above.

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MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board